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Standing committee on government agencies

Intended appointments

Assemblée législative de l'Ontario

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Mercredi 12 février 1997

Comité permanent des organismes gouvernementaux

Nominations prévues



Président : Floyd Laughren Greffière : Donna Bryce

Chair: Floyd Laughren Clerk: Donna Bryce

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 12 February 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 12 février 1997

The committee met at 1005 in room 228.

INTENDED APPOINTMENTS ANN VANSTONE

Review of intended appointment, selected by official opposition party: Ann Vanstone, intended appointee as co-chair, Education Improvement Commission.

The Acting Chair (Mr Frank Miclash): Good morning, ladies and gentlemen, and welcome to the standing committee on government agencies. I see our first witness has shown up. Ann, welcome. We'll be asking you for comments or an opening statement and then we'll be going to each of the parties for comments and questions, if you'd like to begin.

Mr Bob Wood (London South): Mr Chairman, on a point of order: I wonder if we might deal with item 1 on the agenda first

the agenda first.

The Acting Chair: The report of the subcommittee on committee business, dated Thursday, February 6.

Mr Bob Wood: I'd like to move adoption of the subcommittee report of February 6, 1997.

The Acting Chair: All those in favour? Carried.

Thank you, Mr Wood. Sorry, Ann. Go ahead.

Ms Ann Vanstone: I'd like to say, first of all, thank you for asking us here. The last week or so that we have been engaged in trying to plan for the way this commission is going to work has been a very busy week. We spent a lot of time in briefings and things like that.

I'd like to just say why I believe I was asked to cochair this commission. It is a commission with some very broad powers over an area of endeavour that has always caused a great deal of problems in the province, as you

attempt to change local structures of any sort.

I have been a trustee in Metropolitan Toronto for 18 years, I think; chair of the Toronto board for a year in the mid-1980s; and for the last four years, chair of the Metropolitan Toronto School Board, and also chair of that for a couple of years in the 1980s. My experience, then, is broad.

I have also been on the provincial education finance reform committee, which met for about 18 months and looked at all issues around reform.

So I think I bring a good deal of experience and a good understanding of local school board operations, not only in Metropolitan Toronto but through my work with trustee associations across the province. I hope that experience will help assist the kind of transitions we're going to be going through in the province.

The Acting Chair: Thank you very much, Ann. We'll

turn, first of all, to the Liberals.

Mrs Lyn McLeod (Fort William): Ann, I appreciate your being before the committee. One of the reasons we are anxious to meet both with you and Mr Cooke is because we have some very real concerns about the commission, the powers of the commission and how the commission will work.

I want to make it very clear at the outset that we do not for a moment question the qualifications of either yourself or Mr Cooke to hold the positions on the commission. You're eminently well-qualified to bring a knowledgeable, experienced perspective to it, but we are deeply concerned about the powers of the commission and it's that area, the way in which the commission will work, that we want to explore with both you and Mr Cooke today.

The first question I have for you is just a confirmation question of the date you expect your appointments to take place and whether you can confirm the reported salaries

for the position.

Ms Vanstone: The appointments, as commissioners themselves, will not take place until the legislation receives royal assent. At the moment we are acting as consultants to the Ministry of Education to plan how this commission is going to get up and running and how it's going to discharge its duties.

Mrs McLeod: Can you confirm salary levels for us? Ms Vanstone: Yes, the salary level is \$88,000.

Mrs McLeod: I know my colleague has some questions about the appointment of subcommittees and the total number of committees you expect to have operating and the total budget for this, but I'd like to focus a little bit more for a moment on the powers of the commission.

As a school trustee, I suspect you would have some concerns about powers being given to this commission retroactively that strip away the powers of existing boards. I would ask you to tell me how you understand the powers of the commission in terms of the approval of budgets. I understand that the commission will, of necessity, approve or have the power to amend any school board budget, that no school board can set a budget in the course of this year without the approval of the commission.

There are a lot of questions about hiring and firing of personnel in this interim period, and the way in which the commission will set guidelines and the restrictions there will be on hiring and firing. There are questions about capital contracts, the fact that boards can't enter into capital contracts, so new schools cannot be built without the express approval of the commission. Then there are some very real questions about how those powers of the commission overlap with the supposed collective bargaining responsibilities of school boards.

If you would like to just take a crack at that, I hope I've saved some time for my colleague's questions.

Ms Vanstone: Very broad issues, and they're issues we have been dealing with in the past week. Not all the things you've asked have had decisions or even discussions around them yet, but it would be my anticipation that we're going to be facing two approaches: One will be the approach between now and when the legislation receives royal assent, with consideration being given of course to the retroactivity of it, and then the decisions or the way we'll operate subsequent to royal assent.

It would be our interpretation that, yes, the commission will have the power to approve budgets and it will be retroactive to January 13. The best we'll be able to do between now and then is set out guidelines that boards

may wish to follow.

It would be my anticipation, and Dave and I have discussed this a good deal, that the commission will be looking at budgets for just any very unusual moves that a board might make. We wouldn't anticipate there will be very much of that, but in these times of transition, when you're melding school boards and amalgamating things, there may be unusual things happening. We wouldn't anticipate very much of that.

On capital: Major, major problem between now and the time of royal assent because there will be school boards out there with capital projects and they need to get the shovel in the ground. We don't have the authority to say no or yes right now, but we will be developing guidelines on what things we should be looking for around the capital programs. We've had to deal with a few of those

already.

The hiring and firing of personnel, mainly the hiring, is something we haven't had a lot of discussion about yet, but we do know that the human resources issues with amalgamation of school boards are going to be the most serious things we have to deal with, and it certainly would be our anticipation that would be one of the major subcommittees we would establish.

I'm sorry, Lyn, I don't know whether I've covered

everything.

Mrs McLeod: Let me ask a basic question: Does it not trouble you, as a former trustee, to take those kinds of powers over from duly elected boards and carry out that

role as an appointed body?

Ms Vanstone: I suppose, in a sense, it troubles me. At the same time I don't know what other way you can do it when assets of different communities are being amalgamated. I don't know any other way to do it and I think the challenge to us will be to do it as sensitively as we can and anticipate that all boards will act appropriately through this period.

Mr Rick Bartolucci (Sudbury): Thank you very much for appearing before us. No one will ever question I think your competency and your qualifications or your dedica-

tion.

Being a teacher for 30 years, I guess I have some real concerns about inside and outside classroom expenditures, because they are a real concern. I see Bill 104 reads somewhat like a murder mystery, a whodunit. In this instance, I guess I'm concerned about who's going to be doing it, and if we look at the present structure now, we

have the Ministry of Education and we have regional offices and then we have school boards.

The new order, the mystery: We'll still have the Ministry of Education, we'll still have the ministry offices, the regional offices, it'll still have school boards, although reduced in number, given that, but it'll also have the Education Improvement Commission and it'll also have the education improvement committees.

Am I missing something or have we just added two levels of out-of-classroom expenditures to the process?

Ms Vanstone: I think you've probably added one level.

Mr Bartolucci: One?

Ms Vanstone: The Education Improvement Commission. I would see the subcommittees of the commission as being part of it, so I would say one level. Costwise, we anticipate that we'll run a very lean operation. We have not formulated fully what the budget will be. We have discussed it to some extent.

We will be doing, ourselves, a good deal of what might usually have been given staff to do, but yes, there has been a level added. It is for a short time frame, however. It does have a birth and it does have a death. It wouldn't be my anticipation it would go on longer than it's scheduled to.

Mr Bartolucci: I think this is a fundamental question for you as well and for us to know. Clearly, we're adding one level, and I thank you for that honesty. Will we ever be taking away one level? Would that level ever be the regional school boards, as far as you're concerned?

Ms Vanstone: The regional school boards? Mr Bartolucci: Yes, the new school boards.

Ms Vanstone: No, I don't believe a local control or a local supervision of education will disappear in this province, nor do I believe it should.

Mr Bartolucci: Does it concern you — I'm sure it does but maybe you can expand. Are you concerned about the size of the boards, in particular some of those boards which are so gigantic that in our estimation they will almost be ineffective?

Ms Vanstone: You're going to have two kinds of giganticism, if you like: Areawise, with a lot of the boards in the north — and we've been looking at those — and populationwise. In Metropolitan Toronto, one board with 300,000 students provides a problem too.

It's possible that the one board with 300,000 students can be dealt with more easily than the ones that cover large areas. I'm not sure. I would anticipate that, for example, in Metro they will probably structure something that looks like regional offices, and that may be structured in the broad area boards as well.

There will have to be a good deal of consideration given for boards especially that cover broad geographic areas to getting technological assistance for meetings and things like that. That isn't going to be possible in some parts of this province, and we understand that, but it'll be something that will have to be looked at as we proceed through the next few years.

Mrs McLeod: One final question: Given what you've just said, Ann — and that is a key concern that many of us have about the consequences of this legislation being introduced and implemented — along with the loss of

board power to have any fiscal accountability directly to the electorate, which is a companion piece to this, a lot of us believe that boards will effectively disappear. I know that would concern you.

If, as you look at this, you believe it is unworkable, given it's size, given any other factors you're considering, do you believe you have any capacity to change the nature of what's proposed. I understand you've publicly said that if you cannot bring about changes, you would resign. Is that a statement that's accurate? Would you comment on that.

Ms Vanstone: Really, when I think of change, I'm thinking of the perception of implementation and that some people have of this and the kinds of implementation that I think may be possible that would help the situation out there.

I would not anticipate that local control of education would disappear entirely from this province, and I would expect that the process we're going through would confirm that local control of education would remain in place. I believe there are also constitutional issues that would maintain that in Ontario at this point in time.

Mrs McLeod: Nothing will make a board the size of France work, Ann.

The Acting Chair: Mr Silipo, please.

Mr Tony Silipo (Dovercourt): Ms Vanstone — Ann. I've called you "Ann" and you've called me "Tony" too long for me to go to the formal. We worked together for a number of years on the school board in Toronto and I have to tell you that like Mrs McLeod and others, I think if I were looking at the question of qualifications, there aren't many other people I would think of who have the qualifications that you and Mr Cooke have to deal with this. But I have a fundamental question that continues to trouble me. You talked earlier about some of your background. I think everyone is more than aware of that, but I guess my basic question to you is, given everything that you have been fighting for as a school trustee, I am still very puzzled as to why you would take this position.

Ms Vanstone: I have been looking, Tony, for the last three or four years at what has been going on in provinces across the country and in other jurisdictions around the world as education is getting ready to move into the next millennium. It seems to me that in every jurisdiction I know of there has been change, and dramatic change, in

educational governance.

I came to the conclusion some time ago that the status quo was not going to continue in Ontario, as it didn't continue and hasn't continued anywhere else in the country or in other countries. The weekend I actually was asked to accept this position, I was at a conference in Toronto of public school boards and there was a panel from all the provinces across the country that had been engaged in change. The trustees on that panel said: "Don't divorce yourself from the process. Where trustees stayed away from getting engaged in the process and simply fought it, they did not have a satisfactory solution, and we're still having a lot of problems as new systems are put in place."

It seemed to me that what I hope to do here is to go through the change and try to get it to work as well as possible and try to insulate the schools from uproar and upset as we go through this. That's why I did it.

Mr Silipo: I am not surprised that's the way you would view it, but in looking at the powers of the commission — which I think are far, far more draconian than are required, even in a period of transition as significant as the one we're going through — doesn't it trouble you that you are going to be in fact implementing changes that you would up to only a few weeks ago perhaps be advocating against?

I look at the question, for example, of the changes to the powers of the school boards. I know that you were one of the proponents of looking at a legal challenge to some of those suggested changes. I look at what's happening in Metro, which I'd like to talk a little more about in terms of one massive school board with 500 and and 200,000 students.

schools and 300,000 students.

Ms Vanstone: Five hundred and fifty-five.

Mr Silipo: Yes. You know better than I how those changes have come about in terms of improving the quality of education in Metropolitan Toronto and that when you move to a system with 22 trustees, paid \$6,000, that's going to have a traumatic impact on the ability of trustees to do their job. We're not going to get the same kind of representation we've had so far. I could go on and on citing examples, but essentially I guess that's really what continues to puzzle me and trouble me, that you would put yourself in a position where you would be implementing on behalf of this government measures that you up until now have been opposed to.

Ms Vanstone: I recognize, Tony, that the government has the ability to legislate around educational matters, except for the issues that are constitutionally outside the powers of the Legislature. The government has legislated. It will be a very, very great difference from the kind of operation that you and I were involved in when we worked together on the Toronto board, but the government has legislated it and I think what we have to do is try to implement it as sensitively as possible, once again.

Mr Silipo: But what will you do when in a few weeks' time we get the new funding formula and it will show huge gobs of money coming out of Metropolitan Toronto?

Ms Vanstone: I am hoping to see the new funding formula within a few weeks' time because it does have to come forward if it's going to be used in 1998. It has been determined by the minister and the ministry that the new funding formula, since control of finance is being taken away from school boards, will be much more detailed and will now recognize the needs of large urban centres.

Clearly I am going to find that new funding formula very interesting, and so will all the other trustees in Metropolitan Toronto. It would be my judgement that the new funding formula will have to provide to education in Metropolitan Toronto very close to what it presently spends. We are talking about a new allocation formula and a new formula to recognize things that have never been recognized in a formula before now.

Just to give you a small example, in Metropolitan Toronto we operate the largest continuing ed program for credit in North America. If those students were counted as part of our enrolment, it would increase the enrolment in Metropolitan Toronto by about 25,000 full-time-equivalent students. The education finance reform task force recommended that those students now be counted. That reduces almost instantly the per pupil costs, which people like to look at and focus on, by about \$800. That gets us right into the ballpark of the other per pupil costs across Ontario.

When those kinds of things are recognized for funding purposes, there will be differences. I don't anticipate, Tony — let me be very clear — that \$500 million is going to go out of Metropolitan Toronto, not with the

new funding formula.

Mr Silipo: I hope you're right, because if you're not, then again, besides all the problems the schools are going to have to deal with, it's going to put you in an incredible position to have to deal with, to the extent that you have some responsibility over those. I appreciate that you don't directly, but in terms of how to implement that and in terms of dealing with, among others, some former colleagues who might take a position which — I don't know whether I can attribute these words to you, but which many a trustee in Metropolitan Toronto has taken over the year, which is, "You're going to take this money out of Metro over my dead body."

Ms Vanstone: That's right.

Mr Silipo: I remember saying that, I think along with you and others. It's going to happen and it's going to hurt schools in Metro Toronto, it's going to hurt right across the system, because the money isn't going to be put back into the system. I just continue to emphasize that as one of a number of things I could talk about which again, as I say, give me some trouble in terms of seeing you head this group.

The Acting Chair: Thank you very much, Mr Silipo. We're going to have to move on.

Mr Bob Wood: As a member of the EIC, are you prepared to carry out government policy as set out in Bill 104?

Ms Vanstone: Yes, I am.

Mr Bob Wood: How would you promote and facilitate the outsourcing of non-instructional services by district school boards?

Ms Vanstone: I don't know. This is something that we are to make recommendations on, and I certainly believe — Dave and I have had some opportunity to discuss this — that this will be one of the subcommittees we'll have to put in place. There are many ways to do outsourcing and there are many questions to ask around outsourcing. So no magic answers, but a lot of things to look at.

Mr Bob Wood: Who do you think should be appointed to education improvement committees?

Ms Vanstone: Do you mean to the commission or the committees?

Mr Bob Wood: The committees, not the commission. Ms Vanstone: The subcommittees. Depending on what kind of subcommittees you have, if you have an outsourcing subcommittee, I would —

Mr Bob Wood: Excuse me. I think maybe you're referring to a different committee than I was. My understanding is there are going to be local education improvement committees.

Ms Vanstone: Oh, local education improvement committees. Yes, okay. Again, we'll be drawing up guidelines on this, but on local ones I would anticipate that you would have a politician, a trustee and a staff person, senior, from each board that's to be amalgamated and then you would have representatives of the employee groups and parents, that sort of thing. But certainly senior staff, politician, parents, probably someone from the community, depending on the community, and employee groups.

Mr Bob Wood: What guidelines, if any, should there

be re such appointments?

Ms Vanstone: Well, that's what we'll be — guidelines for the appointments?

Mr Bob Wood: Yes. Do you see conflict-of-interest guidelines or anything like that as being applicable?

Ms Vanstone: I would think so, yes, but I think that probably what the commission will do — and understand that we're just discussing this now, so we haven't come to any firm conclusions between Dave and myself, and the other commissioners aren't yet appointed, so there's still that to look forward to. But it would be my anticipation that we would establish a framework that would set out guidelines for the local education improvement committees to work to and then have them come back to us with their recommendations for the local amalgamation

Yes, there would have to be some legalistic stuff around it, like conflict of interest, but we haven't worked that out yet.

Mr Bob Wood: Those are my questions.

Mr Bruce Smith (Middlesex): Welcome this morning. Over the last couple of weeks school boards locally have been exploring with me what opportunities they might have for involvement in the process. I was wondering if you'd share with the committee this morning what public process of involvement you will be soliciting in terms of input from local school boards throughout this process.

Ms Vanstone: We are starting this afternoon meeting with the various school board associations: public, separate, two French associations. We'll move on from that later. We're going to be meeting, I believe it's next week, with school boards at a conference here. I expect that after meeting with the associations this afternoon, we will start to map out a process for meeting with people and talking to them, and when we see who the other commissioners are and where they're from and that sort of thing, if they're from other parts of the province, as we anticipate they may be, we will presumably have those commissioners do some consultations in the area they live in.

Mr Smith: Briefly, because I know my colleague Mrs Elliott has a question as well, I'd be interested to know your view about public accountability at the school board

level

Ms Vanstone: My view? I think public accountability at the school board level is excellent right now, and I expect it to continue to be excellent in the future. Certainly I have been chair of a school board that has a budget of \$2.1 billion and we have public meetings, which are well attended by the public, to take the public through the budgets. That's at the umbrella board. At the

local board we certainly have endless public meetings with our communities and others to explain what public money is being raised and what public money is being spent. I think there's a good deal of accountability on the financial side.

Perhaps between 1967 and 1993 there wasn't as much public accountability on the student side, as far as student performance goes, as there should have been. I believe that is being corrected now by the Education Quality and Accountability Office. This is happening. This is part of a worldwide phenomenon. Ontario is no different from other jurisdictions.

Mrs Brenda Elliott (Guelph): Welcome, Mrs Vanstone. My question relates to the role of parents in the new restructuring. Two of the terms of reference, specifically (g) and (h), refer to "strengthening the role of school councils...increasing parental involvement in education governance." I just wondered what you think about the future role of parents in this new, restructured system.

Ms Vanstone: Parent councils in various parts of the world have taken various shapes. They go from full governance structures in New Zealand to governance structures for expenditure of federal funds in places like Chicago to home and school community councils in various parts of Ontario.

I believe that parent councils form a very positive and important role in education. In the community I've represented for 18 years, parent councils are extremely strong. The Board of Education for the City of Toronto probably has more structured parent involvement in its decision-making than any other board in the province. For example, there are parents from a given school who select the principal for the school, who determine how to deploy the staff in the school, those kinds of things.

Parent councils are part of the mandate of this commission. I wouldn't anticipate that we or the minister's office would require all schools and school boards across the province to have exactly the same kind of parent involvement that I have in my schools. I think it's terrific, but in a lot of communities they just wouldn't want that kind of parent involvement.

So I think this will probably be a situation, when we start working on this aspect, of setting up the kinds of guidelines that would lead to parent involvement and asking each school board and each community to design within that framework how they want to structure parent involvement in the schools in those communities. I think you'll see a lot of differences across the province but I think, provided the guidelines are strong enough and the framework is strong enough to ensure that you get that parent involvement, you'll get that.

The Acting Chair: Mrs Vanstone, we've run out of time. I'd just like to thank you for appearing before the committee. You left us with some very interesting information.

Ms Vanstone: Thank you very much.

DAVID COOKE

Review of intended appointment, selected by official opposition party: David Cooke, intended appointee as cochair, Education Improvement Commission.

The Acting Chair: Ladies and gentlemen, the next person appearing before the committee is Mr David Cooke. Mr Cooke, if you wish to take a few minutes for an opening statement, and then we'll begin our questioning.

Mr David Cooke: Thank you, Mr Chair. Just very briefly, I was very pleased when I was given the opportunity to serve as a co-chair of this commission based on the fact that I have believed for a long time that there are dollars in the system that can be freed up by reorganizing it, by restructuring it. We studied that in detail when my party was in power and when I was Minister of Education. We asked Mr Sweeney to look at it. He recommended a 50% reduction in the number of school boards. The Catholic trustees just a little while ago came out with their study that said a 25% reduction in the number of school boards in their system alone could save \$150 million.

1040

It's my belief that the focus of this has to be not on trustees but on kids and that the dollars have to be freed up to be put back into the classrooms. No matter which political party is in power, there are going to be limits on how much money can be spent. Therefore, if there are going to be limits on how much money can be spent, as many of those dollars as possible have to be spent in the classroom for the children in this province.

That was my belief when I was in government, that remained my belief when I went back into opposition and that's why I accepted the offer to co-chair this commission

The Acting Chair: Thank you very much, Mr Cooke. We'll begin with Mr Silipo for 10 minutes.

Mr Silipo: Dave, let me just pick up on that very last comment. As I said earlier with Ann, I don't think there's any doubt about your qualifications, as well as hers, to do this work. But notwithstanding what you've just said and notwithstanding what I know about your view on a number of these issues, I need to ask you why this position when, I think as you know, the changes that have been made by this government are not being made in a way to just streamline the system and make it more efficient but are being done as a way to take billions of dollars out of the school system.

Mr Cooke: No one is living under the illusion that the co-chairs have been given control over the fiscal policy of this government. That was not part of the deal. But I can also say that whether Ann and I were co-chairing or not, the policies were going ahead with the reduction in the number of school boards. I believe that both my co-chair and myself bring a sensitivity and an understanding of the system to these positions that will be important to the way the reduction in the number of school boards is implemented, so again we'll keep the focus on kids.

We'll have to live with whatever fiscal framework is given to us by the government, and that will make it either easier or more difficult, but it's still going to happen and we still bring something to this process that I think will make it work better than it might have otherwise.

Mr Silipo: So the rationale is, since it's going to happen, as you say, to try to make it happen in as painless a way as possible?

Mr Cooke: "Painless" is a judgemental word that I no longer use, now that I'm out of the Legislature. But yes, make it work for kids. Some things that are being done here are close to what we were going to do. Even some of the decisions that the government has had to make, that it will be making, in terms of the new financing of school boards and how the dollars will be distributed, those are things that no matter who would have been elected, there would have had to be some decisions on.

If there isn't a new way of distributing the dollars, then the Catholic system will take the Ministry of Education to court and the francophone community will take the Ministry of Education to court. Certainly the advice I received when I was minister was that the old financing and the way the dollars were distributed were in violation of the Constitution, so there had to be some change. I hope we'll have some input on that and that there will be something we can bring to that process.

Mr Silipo: Except, you know what's likely to happen is that there's going to be an attempt to equate by reducing expenditures in areas like Metropolitan Toronto, where there have been, in my view, justifiable reasons for spending the kinds of moneys that are being spent —

Mr Cooke: I think Ann spoke to that. I agree that there has to be a funding formula put in place that recognizes real costs, and there will be different expenditures in urban Ontario than there will be in rural; there will be some expenditures in northern Ontario; in areas where there are aboriginal students there'll be different expenditures as well. Whatever funding formula comes into place, there has to be some understanding of that, and we certainly will communicate that.

Mr Silipo: Doesn't it trouble you, Dave, that you're going to be implementing some changes which are not going to be particularly palatable, unless you agree with them, and I'm not sure that you do. I'm thinking particularly of one. One of your tasks is going to be to make recommendations to the minister on how to promote and facilitate the outsourcing of non-instructional services.

Mr Cooke: I'd certainly hope that the process we will use, as we design the structure of the commission, is that others will be involved. I don't see any of this process excluding parents, trustees or representatives of trade unions. They've got to be part of the process.

There are some areas where there can be some outsourcing. My own view is that this is limited. We have to look at this as a school system. A caretaker in a school is part of that school community. I think the kinds of criteria we look at to study this issue aren't going to bring something different to that than somebody else would.

I would have great difficulty if there was a huge move to privatization or outsourcing. I think that would be very detrimental to public education in the province. I don't detect that's a desire. There's nothing in the legislation that changes the ground rules. I think we'll study it in partnership with boards and with labour unions and look at where it can work, where it can save money, but keeping in mind that the primary focus has to be on maintaining a good, quality school community.

Mr Silipo: You don't actually believe, do you, that 45% of the money is being spent outside of classroom?

Mr Cooke: I think the information that has been made available at this point varies and that more work needs to be done on what is spent directly into the classroom. It may be that 45% is spent directly into the classroom, and that would give some people the impression that 55% can somehow be cut. We know that schools still need to be cleaned. We know that schools still need broken windows replaced.

There are lots of expenditures that I don't think would be fair to put in the category all of us have some concerns about, and that's how much money is being spent on administrative costs and how those administrative costs can be brought down so that more money can go to serving our kids. That certainly will be a focus.

Mr Silipo: I don't agree with the commission, I don't agree with the intent behind it, but I wish you well.

Mr Bob Wood: As a member of the EIC, are you prepared to carry out government policy, as set out in Bill 104?

Mr Cooke: I looked at Bill 104 extensively before I agreed to serve on this commission and I believe it's workable. If I didn't agree to implement Bill 104, I wouldn't be co-chairing the commission.

Mr Bob Wood: I'm taking that as a "yes" answer.

Mr Cooke: That's exactly it, yes.

Mr Bob Wood: Do you have any ideas on how you would promote and facilitate the outsourcing of non-instructional services by district school boards?

Mr Cooke: I think the first thing, as I said before, that has to be done is some solid research to find out exactly what the range of outsourcing would be and what has worked and what has not worked. I also have some very strong views about being fair to workers that I think all the members of the committee would agree with.

I think all those criteria have to be examined. There are some areas where it will work and there are other areas where it would be simplistic to think that it would work. That's the purpose of the commission: to do some research, to have some consultations and to make recommendations where we think it would work appropriately and where it would serve the best interests of students.

Mr Bob Wood: Do you agree with the test of net benefit to the public with respect to outsourcing?

Mr Cooke: If you're just talking about net savings to the public, I think that's a criterion, but it's certainly not the only criterion.

1050

Mr Bob Wood: When I say "net benefit" I'm talking about overall benefit: better service, less cost.

Mr Cooke: There are other criteria as well: the impact on individuals, on human beings, and those are all things the commission will have to take a look at.

Mr Bob Wood: What other criteria do you see?

Mr Cooke: If I had all the answers, we wouldn't need to do any research. I think the commission has to consult, and we'll have to put together some terms of reference for that subcommittee to go out and do its research, and all of us will have to work on that. But as I said, I was told and I believe that everybody agrees this entire process has to be fair. That is certainly one of the criteria, whether it's looking at outsourcing or whether it's looking at the actual downsizing of the school boards.

We've got to be fair to the people who work for the system because they've given a lot to the system.

Mr Bob Wood: Who do you think should be appointed to the local Education Improvement Committee?

Mr Cooke: There certainly have to be people from the school boards. There are going to be trustees. There's got to be administration. I also hope there would be a representative from the employers' groups, employees' groups involved and parents. I think it's got to be an inclusive process.

We will develop some guidelines and there'll probably be some variation from area to area. If you take a look at how we're going to construct the French-language school boards, in particular the public French-language school boards, and the size and starting from scratch, there may be some variations on the makeup of the EICs that are going to work in that area from an EIC in Metro Toronto.

Mr Bob Wood: What guidelines do you think there should be?

Mr Cooke: That's the purpose of the commission. Not all the members of the commission have been appointed yet, and we're not a commission yet. We've got the ministry working on some options for us and we're going to sit down and work that out.

I don't think it would be fair to come up with definitive guidelines today when I don't even know who the other commissioners are. They're going to bring something different to the commission from what I bring.

Mr Bob Wood: Those are my questions.

Mr Smith: Thank you very much and welcome this morning, Mr Cooke. Earlier I believe the official opposition raised some questions concerning financial supervision. I'd be interested to know whether or not it's your belief that financial supervision of school boards is

needed during this process.

Mr Cooke: I find it absolutely essential. I don't see how, if you're going to reduce the number of school boards, you can possibly say that the school boards change their boundaries, are reduced as of January 1, 1998, and not have some controls on the school boards. The only way it works currently is through accountability. Accountability doesn't exist when, of the boards that are there now, many will not exist on January 1, 1998, and those trustees will not have to run for reelection because there won't be a board to run for a reelection to. So if there's not democratic accountability, then there has to be some imposed by the ministry.

However, I hasten to add that I do not believe that many school boards want to abuse the system. I don't think there are going to be a lot of issues for us to deal with, but there will be that step so that we are there to

guarantee protection of the taxpayers.

Mr Smith: In response to a question from Mr Silipo, and please correct me if I misunderstood you, you indicated that the decisions this government is about to embark upon are close to what you were going to do while you were in government. Can you share with me why you appointed John Sweeney in the first place?

Mr Cooke: It was my strong belief, which was supported by the government at the time, that one of the problems we had was that there had been a substantial increase over the years in administrative expenditures in

the boards. We looked through the Wells report down in the area I represented, and at the Brian Bowens report in Ottawa-Carleton, and whether or not there should be some amalgamations of school boards, and those reports have been quoted widely. But if you take a look at those reports they said a lot of money can be saved through cooperative services.

If you take a look at what has been done from the time of those reports till now, some of the boards have talked a good line about cooperative services but they haven't really delivered on them. Wells finished by basically saying that if there isn't a big move towards cooperative services, then amalgamation probably would be the next step that would have to be taken. I believe the only way to refocus those dollars towards kids is to have fewer bureaucratic structures. If you take a look, PEI, Nova Scotia, New Brunswick, Newfoundland, BC — every jurisdiction is going in this direction, and we were just doing exactly the same thing. Again, it's to break down bureaucracies, to refocus on the classroom.

Mrs Elliott: I'd like to ask you a similar question to that I asked of Mrs Vanstone. You obviously were interested in a renewed role for parents in the education system while you were the minister. I'd like your comments on how you see this evolving, coming out of the work from this commission, and also on the new role that trustees would be playing in the new board structure.

Mr Cooke: We legislated the Ontario Parent Council, and I think that has worked rather well; they're quite involved. But it was always envisioned that the next step — a memorandum had gone out to boards saying that every school had to have a school council but that there would ultimately be legislation, because a memorandum doesn't really have the power to make sure it happens at the local level. It's the natural evolution of it.

I think we need to consult, because I agree with Ann that the type of school council you have in Metropolitan Toronto might be slightly different from that of a remote rural school, and there should be enough flexibility to allow parents, along with the trustees in that area, to determine where the needs are and what the emphasis should be.

Just to give one example, ultimately I would like to see parents have more power — they already do in some schools — to look at the school-based budget, say, not the entire budget for the board but a portion of the budget allocated to the school, so they could have some input on what the needs are of that particular school. That's already done in some areas.

In my view, the role of trustees now is going to be more in line with the type of role the royal commission was talking about when it reported; that is, a part-time role that will allow, where there is the flexibility — and as I understand it, there will still be some flexibility — in the curriculum to have a reflection of the local and regional needs in those schools that could not be given by the Ministry of Education.

Mrs McLeod: I begin the questions with very grave concerns about Bill 104 and where it's going to take public education in this province. That underlies some of the questions I'm going to be asking you, Dave.

I also have very grave concerns about the commission, the appointment of the commission and the powers being given the commission. I guess that leads me to some surprise at your heading it up, not because of your qualifications but because of the very nature of the commission. It was just a year ago that you were with us fighting Bill 26. We were fighting against the appointment of commissions under Bill 26 that would have sweeping powers to impose decisions on communities, yet you're about to co-chair a commission that has exactly those kinds of powers.

The thing we were fighting for was to at least allow for public input, public hearings. I simply don't understand how you can buy into the acceptance of a position and starting to implement legislation which is only now

going out for public hearings.

To me, the way in which the government has rammed this through and gone ahead to name — although proposed and not effective until the legislation has passed, clearly this government intends to ram this legislation through. It makes public hearings a sham. I guess my first question, David, is how can you buy into the very things you fought against in principle a year ago?

Mr Cooke: Actually, I don't see the same powers with this commission that the hospital restructuring commission has, not the same types of powers. In many respects, a lot of the powers of this commission reflect the same powers your government put in under the Planning and Implementation Commission for the implementation of

Bill 30.

Mrs McLeod: After hearings.

Mr Cooke: There's a lot of that in it that needs to be in place, and then there's a lot of ability to make recommendations and a lot of consultation that will take place.

I think you understand the history my co-chair and I bring to this. We intend to involve people right along the way with consultation, on subcommittees, on the local EICs. All of that, I think we can follow.

1100

Mrs McLeod: The issue for me is, first of all, that the appointments are taking place before the legislation has even had public hearings, which implies to me an assumption, on the part of both the government and now the co-chairs, that the legislation will in fact be passed, regardless of

Mr Cooke: No, but I would have been rather upset to be named a co-chair and not be in at the ground level, at the ministry, looking at and developing the structure and planning for it if and when the legislation passes. Actually, in a way, being brought in as consultants in the ministry to help look at how the structure should be set up is one of the only ways I would have accepted it. There's no way I was going to walk in to be co-chair with everything already decided.

Mrs McLeod: I will assume for the moment that you also accept the fact that the powers of the commission put them above the law because you can't be held liable. I want to ask you specifically about your approach, which you've just outlined, to taking on the responsibilities as co-chair of the commission.

I certainly know it was one of your beliefs that there should be a school board amalgamation to free up dollars. It's important that you know — I'm sure you've seen it already — that the study the ministry itself produced to talk about the savings from amalgamation show that at best they see \$150 million of a \$14-billion budget being saved through this. Even to find that \$150 million, they've got to go directly to classroom supplies and equipment to get \$9.9 million, they've got to take \$21 million out of school busing - not the administration of busing but actual school busing — and they've got to take money away from paraprofessionals who provide support to kids in integrated classes.

I don't think we should defend what is about to happen in the name of governance savings when the sum total of \$21 million is the saving from having fewer trustees.

I have two areas in which I want to ask you a question on this. First, the work you did as a minister, through the study you had commissioned, said that the optimal size for school boards was between 5,000 and 55,000 students. Clearly, these boards are gigantic. They go beyond anything that was ever envisaged in that respect. Some 300,000-plus students in a school board means there is no way the local trustee can be accessible to parents in that school system.

Geographically, you know this province well enough to know that if you've got school boards, as you have in northwestern Ontario, each larger than the country of France, you can't have local accountability and accessibility for trustees. I wonder how you can see those as being workable.

Second, you say you want to make this work for kids, and Ann said the same thing. How can this work for kids when the companion piece, as stated by the minister in his preface to introducing this legislation, is that the government is going to take control of educational finance? I'm not going to get into the whole debate about whether that benefited the property taxes, because we've been debating that in other forums, but this government will have total control over educational finance.

Ann talked about the potential benefits, or at least that it would be a break-even for Toronto students; that continuing education students would be granted under the funding formulae. You know very well that this government took adult education out of the regular funding formula and made them only available for grants under continuing education and that elder education outside Toronto has been devastated: 80% fewer people in adult education in many areas.

Junior kindergarten: The first action of this government was to cut the funding for junior kindergarten. Where will it fit under a formula?

How do you see, in your new advisory capacity to the ministry, making this work, either for accountability and accessibility or for kids in a classroom?

Mr Cooke: Obviously, I have a commitment to junior kindergarten. I don't want to be overly political, but I remember that when we brought in the legislation for mandatory JK you voted against it, as did the other opposition party at the time. So there is something we have to remember about history.

Mrs McLeod: And fully supported full funding for junior kindergarten as an encouragement to boards to provide it, David.

Mr Cooke: Everybody said they agreed with a province-wide curriculum with province-wide standards. I don't know what your belief is on financing, but I personally and my party had always believed that progressive taxes should pay for education. If you've got those, obviously you don't need as many trustees, because they're not doing as much. You know they're not doing as much.

You also know — these are the arguments I used when I was minister — that he turnout in municipal elections is 30%. The recognition of trustees is very low. The accountability for education should lie primarily with the level of government that has the constitutional responsi-

bility for education, and that's the province.

Mrs McLeod: David, I assume from that that you see, unlike Ann perhaps, less and less of a role for local boards and potentially the demise of local boards. I take that from your statement, so I want to ask you about my third area.

Mrs McLeod: You said "primarily," and I asked you about workability of boards. I don't think they're workable.

I want to ask you specifically about the aspect of collective bargaining and how that will take place. One of the areas the legislation sets out is that all the powers of the commission seem to be operative except as they relate to collective bargaining. Again, you're advisory to the ministry in a very tense transitional period, and I want to ask you where you think this is going to go. I don't know how locally elected boards can continue to carry out collective bargaining, even in this interim period, when they have no power to approve their own budgets and when they know that as of January 1 they will have no funding flexibility or direct accountability at all.

I don't know where collective bargaining goes subsequent to that, again when boards have no direct fiscal accountability. Is it your expectation that there is going to be a stalemate in all collective bargaining for the balance of the year? Or do you think there will be collective bargaining legislation which essentially makes that also a provincial responsibility before the year is out?

Mr Cooke: I can't answer the latter question. That's not something the commission is going to be deciding. There are other examples of bodies primarily funded by provincial dollars where there are not province-wide negotiations. I think of children's aid societies, of hospitals. There are lots of examples in those areas where they didn't resort to province-wide bargaining.

Mrs McLeod: Do you not see a tension in the next 12 months with the operation of the commission in total control over boards' budgets and the carrying out of

collective bargaining?

Mr Cooke: Of course there's going to be tension. The

most comfortable thing -

Mrs McLeod: How does the commission deal with that?

Mr Cooke: That's why we have a transition commission. That's why we have to sit down and deal with people. Whenever there's change, of course there's going to be tension. It's always more comfortable for all of us to live with things the way they are.

Mrs McLeod: So the commission will essentially be at bargaining tables across the province, directly or indirectly over the part year?

indirectly, over the next year?

Mr Cooke: No, I don't believe that's the case.

The Acting Chair: Mr Bartolucci for one minute.

Mr Bartolucci: Just a comment, David. I have to be perfectly honest. I enjoyed you more on this side of the table compared to now.

Mr Cooke: I wish you had come down to my riding in the last election, when I was running against the Liberals in a tough fight, and said the same thing.

Mr Bartolucci: I would say at the same time that I think it's going to be impossible for you to wear the hat you wore on this side there.

Mr Cooke: Of course.

Mr Bartolucci: Regardless of what you think, you're

going —

Mr Cooke: I didn't expect that I was going to be going and working in the Ministry of Education and remaining an opposition member. I've taken on a new career.

Mr Bartolucci: Is there anything you disagree with in Bill 104?

Mr Cooke: In the bill itself, I think the bill is outlined in a way that is workable. I have concerns about the whole issue of contracting out. I think I made that fairly clear in my response to Mr Wood. I think we're going to have to work through that and we're going to have to consult with people.

But I don't think it would be possible for anybody, especially an opposition member, to come in and take cochair of this commission or any other commission and not have some concerns. I didn't write the legislation, so it's not 100% the way I would do it, but generally I think it's workable, and I believe strongly in the need to reduce school boards to refocus on kids.

The Acting Chair: Thank you, Mr Cooke, for your contribution this morning.

Mr Wood, I understand you have a motion of concurrence.

Mr Bob Wood: I move concurrence in the intended appointment of Mrs Vanstone.

Mrs McLeod: Mr Chairman, may I just comment before voting on the motion? I just want to make a statement.

The Acting Chair: I'm sorry, the motion has been made.

Mrs McLeod: A motion is non-debatable?

The Acting Chair: There is debate. I'm sorry. The motion has been moved and now we're open for debate.

Mrs McLeod: I should preface my involvement in these votes by saying that I simply cannot support any appointments to this commission when I feel so strongly opposed both to the legislation and the commission being appointed to implement it. My vote is not based on qualifications of individuals but on my opposition to the commission itself.

Mr Silipo: I just want to say, in some ways, the flip side of that, which is that I will be supporting this appointment and the next, but supporting it on the very clear understanding that this committee's role is to deal with the qualifications people bring to the positions they are being recommended for.

I remain very strongly opposed, as do my party and my caucus, to the implementation commission and the whole process behind it; the fact that it's got nothing to do, in our view, with streamlining and making the system more efficient or more effective but has everything to do with taking billions of dollars out of the school system. But we will deal with that in another forum. Today we are here to deal with the appointment of these two individuals, and in terms of their qualifications, I have no reason to oppose their appointment to this body.

The Acting Chair: Any further debate? I'll call the

question. All those in favour? Opposed? Carried.

Mr Bob Wood: Mr Chairman, I move concurrence in the intended appointment of Mr Cooke.

The Acting Chair: Mr Wood has moved concurrence

on the appointment of Mr Cooke. Debate?

Mr Bartolucci: Mr Chair, I won't be supporting the recommendation. If you don't agree with the process, how can you support individuals who are going to be part of the process? Clearly, this is being done completely incorrectly and with no regard for democracy at all. I don't agree with the direction of this government when it

comes to education, especially with this EIC and its mandate and its powers and the devastation it will have on classroom education.

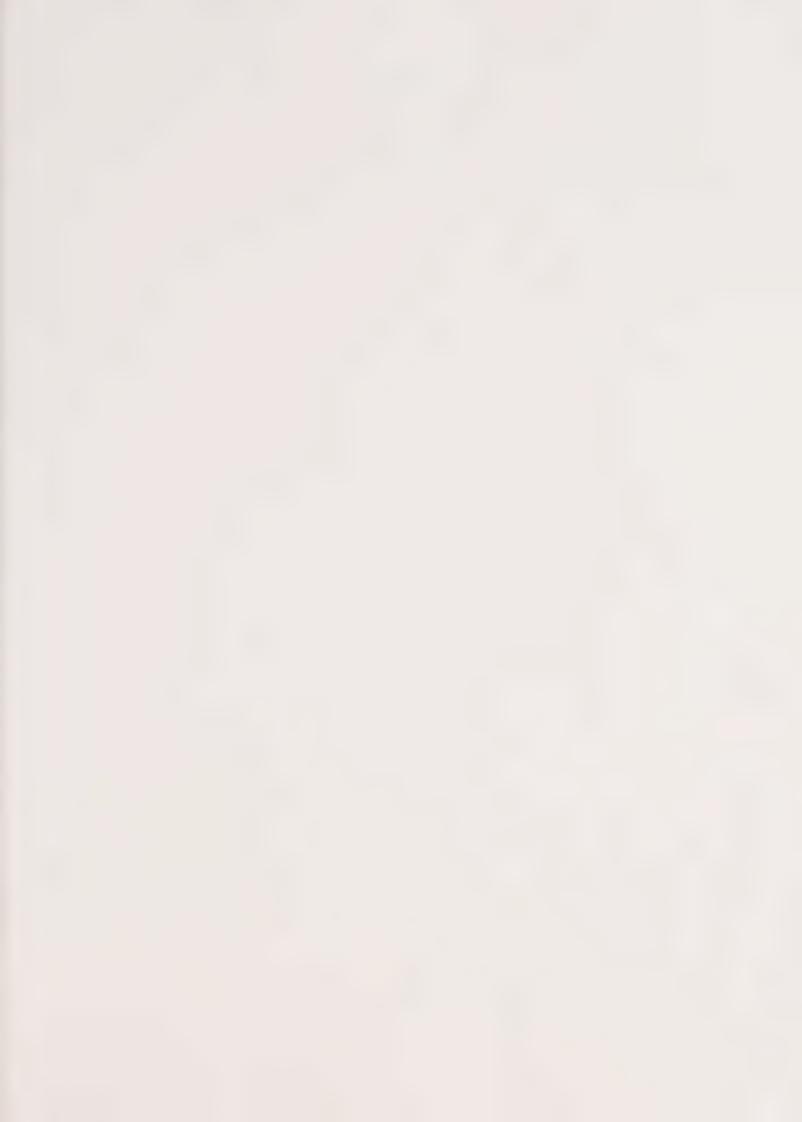
It's interesting that these people only paid lip-service to the children and the classroom. If they had stood here today and answered questions, zeroing in on how it's going to benefit kids in the classroom, I might have another opinion and another way of voting.

The process is wrong. The direction is wrong. The committee is wrong. The commission is wrong. It doesn't make any difference how qualified the people are; the direction is wrong, and I can't support their appointment.

The Acting Chair: Any further debate? Seeing none, I'll call the question. All those in favour? Opposed? Carried.

Ladies and gentlemen, as we have no selections next week, the committee will not meet again until February 26. Any further business? I adjourn the committee.

The committee adjourned at 1112.







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Vice-Chair / Vice-Président: Mr Tony Silipo (Dovercourt ND)

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*Mr Ed Doyle (Wentworth East / -Est PC)

Mr Douglas B. Ford (Etobicoke-Humber PC)

*Mr Gary Fox (Prince Edward-Lennox-South Hastings / Prince Edward-Lennox-Hastings-Sud PC)

 $Mr\ Michael\ Gravelle\ (Port\ Arthur\ L)$

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*Mr Frank Miclash (Kenora L)

Mr Dan Newman (Scarborough Centre / -Centre PC)

*Mr Peter L. Preston (Brant-Haldimand PC)

*Mr Tony Silipo (Dovercourt ND)

*Mr Bob Wood (London South / -Sud PC)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Mr Toby Barrett (Norfolk PC) for Mr Ford

Mrs Lyn McLeod (Fort William L) for Mr Gravelle Mr Bruce Smith (Middlesex PC) for Mr Leadston Mrs Brenda Elliott (Guelph PC) for Mr Newman

Clerk / Greffière: Ms Donna Bryce

Staff / Personnel: Mr David Pond, research officer, Legislative Research Service





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Wednesday 26 February 1997 Wednesday 5 March 1997

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Subcommittee reports Intended appointments

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Première session, 36e législature

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Mercredi 26 février 1997 Mercredi 5 mars 1997

Comité permanent des organismes gouvernementaux

Rapports des sous-comités Nominations prévues



Chair: Floyd Laughren Clerk: Donna Bryce Président : Floyd Laughren Greffière : Donna Bryce

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 26 February 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 26 février 1997

The committee met at 1003 in room 230.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr Tony Silipo): Good morning. We have two reports of the subcommittee to deal with that you have in front of you, plus a third one from a meeting that we had just prior to the committee that we'll read out when we get to it.

On the first report of the subcommittee on committee business dated February 13, 1997, Mr Wood.

Mr Bob Wood (London South): I move adoption of the report of the subcommittee of February 13, 1997.

The Vice-Chair: Any discussion? All those in favour? Opposed? Carried.

The second item is the amended report of the subcommittee on committee business dated Monday, February 24, 1997.

Mr Bob Wood: I move adoption of that subcommittee report.

The Vice-Chair: Any discussion on that? All those in favour? Opposed? That's carried.

The third is from a subcommittee meeting that we had this morning. I'll just read it out to you:

"Request that the House leaders allow the committee to meet for one day" — and we're requesting specifically

March 19 — "during the recess to consider intended appointees.

"That standing order 106(g)5 be waived subject to the intended appointee being available to appear."

That standing order requires seven days' notice, and again we were comfortable in the subcommittee that as long as the intended appointees were available to appear, that would be acceptable to the members of the subcommittee and hopefully to the members of the committee.

"That the Chair and the clerk be authorized to make necessary arrangements."

The reason for this request we are making is to allow us to get through the list we have, which you note is a fairly large list of intended appointees, and keep within the time frame that we are required to as a committee. We know that with one day's sitting of the committee during the break, we would be able to get ourselves through the list that we've just adopted to hear.

Mr Bob Wood: I move adoption of the report of the subcommittee of February 26, 1997.

The Vice-Chair: Is there any discussion on that? All those in favour? Opposed? Carried.

There being no other business in front of the committee, the committee stands adjourned.

The committee adjourned at 1005.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON **GOVERNMENT AGENCIES**

Wednesday 5 March 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 5 mars 1997

The committee met at 1035 in room 228.

INTENDED APPOINTMENTS

The Vice-Chair (Mr Tony Silipo): Could I call this meeting of the government agencies committee to order, please. We have three items before us today, the first being the report of the subcommittee on committee business dated Thursday, February 27.

Mr Bob Wood (London South): I move adoption of the report of the subcommittee of February 27, 1997.

The Vice-Chair: As you see, the report indicates no intended appointees are requested for review out of that particular report. Any comments? All right, we'll deem that to have been accepted. Thank you.

The next item is to begin the review of the two intended appointees before us this morning. Before we go on, Mr Gravelle, I gather you wanted to make a point.

Mr Michael Gravelle (Port Arthur): I don't think we need to seek unanimous support, but if I may, I seek unanimous support to remove the five submissions we put forward to appear before the committee. We have now withdrawn those and hope that's acceptable to everybody here

The Vice-Chair: There's a memo from the clerk in front of us which reflects that. Do we require agreement of the committee? We just note that. That means we will have three intended appointees to review at the April 2 meeting. All right. Thank you.

JOHN SPINK

Review of intended appointment, selected by the third party: John Spink, intended appointee as member, Ontario Film Review Board.

The Vice-Chair: We'll proceed to invite Mr John Spink, intended appointee as member of the Ontario Film Review Board, to address us. Mr Spink, welcome to the committee. The procedure we follow, as I'm sure has been outlined to you, is we'll offer you a chance to make any opening comments you wish and then we'll have some questions from members of the committee.

Mr John Spink: I'm not sure whether all the members have seen my résumé, but I thought I would take a minute just to talk a little bit about myself and then answer any questions members might have.

I was born and raised in Toronto. When I graduated

from the University of Toronto, I took at position with Bell Canada. In the last 25 years, I've held a number of management positions with the company. I worked and lived in London, Ontario, for three years. Then I spent

some time in Montreal, a couple of years in the Middle East working for Bell, and I've been back in the Toronto area for about the last 13 or 14 years.

I moved out to Ajax with my family in 1985. I'm married. I have two grown children. The younger, my daughter, is a student at the University of Toronto.

In Ajax I've held almost every executive position, including president, of the Ajax Lions Club and had a number of activities within the community. I've been involved in numerous fund-raising activities with the Ajax-Pickering General Hospital as well as the Kids Help Phone, which is a particular organization that my company is extremely involved in. I have had dealings with them in terms of fund-raising.

When my job responsibilities were a little different, I was a member for about a year and half of the Ajax-Pickering Board of Trade, so I had some involvement with them. In recent years, I have had some political involvement in the community as well.

With the type of job I have, where I do have extensive interfacing with large numbers of employees as well as the public, plus various things that I have been involved in in the community, I feel comfortable that I can do a good job in representing the community on this particular

The Vice-Chair: Thank you, Mr Spink. We'll go first to the government side for questions.

Mr Bob Wood: We'll reserve our time. The Vice-Chair: To the official opposition.

Mr Gravelle: Good morning, Mr Spink. It's probably not difficult to describe the Ontario Film Review Board as a sensitive position in terms of what it is that you're trying to achieve. One of the issues that continues to be discussed is the whole concept of community standards. So it's probably not a bad place to start to ask you if you've got a sense yourself in terms of how you would define community standards, recognizing of course that there's the community of a place like Toronto, perhaps, and there's a community like Thunder Bay, for my community, and many of the smaller communities as well. What are your thoughts in terms of that?

Mr Spink: I think this really underscores the importance of the work that the film review board does in that it has to represent quite a cross-section of the community across Ontario in terms of not only geography and demographics and social economic, but also varying philosophies and opinions. I think it's important that there

is a good mix.

In terms of the issue of community standards, in doing some of the research that I've read through, I find that my own personal opinions are quite consistent with some of the things that I've read, and I guess most notable was the definitive Supreme Court decision in 1992 on Butler v the Queen, which did try to define the fine line between the right of freedom of speech and expression versus community standards and what constitutes obscenity.

I think that's a moving target. It's very difficult to be extremely definitive in terms of what that is, but the court referred to the types of activities that were detailed in the Criminal Code and I certainly think there is a consensus that those types of activities dealing with the exploitation or apparent exploitation of minors, degradation of men or women, certainly sexual violence, things of that nature clearly do cross the line and would not be acceptable to the community as a whole.

In reading some of the opinions of a former chair of the board, Robert Payne, he talked about how it's important to look at what the community as a whole will either accept or tolerate and not what individual groups within that community would find acceptable. That goes back to the need for a board cross-section of representation.

Mr Gravelle: You're right, it's a moving target. I think it can be very difficult, but I think if you define it that way — and I'm certainly pleased you've obviously done your research. Not all the appointees who come forward to government agencies are always as well prepared as you are, which is good.

I'll pass you on to my colleague Mr Bartolucci and I

may come back at the end. Thank you.

Mr Rick Bartolucci (Sudbury): Thank you, Mr Spink, for appearing before us this morning. It's interesting that you're going to sit on this film review board. I'm wondering, did you review the videocassette that they sent you to prepare for this presentation?

Mr Spink: A videocassette on the review board?

Mr Bartolucci: No, a videocassette for this committee.

Did you not get a videocassette?

Mr Spink: I have seen a videocassette of a committee hearing that was held last year some time. It had nothing to do with the film review board.

Mr Bartolucci: No, absolutely, it doesn't. It has everything to do with this committee. That's right. Certainly no nudity here; we dress well.

How much time did you spend watching the video?

Mr Spink: To be honest with you, I fast-forwarded a lot of it.

Mr Bartolucci: Do you think it's worthwhile that they send out this videocassette?

Mr Spink: I think it's only worthwhile in the sense that it gives you some idea of the type of questions you could receive, but unless it's specifically related to the particular board or agency — I mean, in this particular case it didn't have anything to do with this. It was interesting background, but not overly valuable.

Mr Bartolucci: A waste of time for you, I guess.

That's what you're saying?

Mr Spink: It was after dinner at home; I had nothing

else to do at that point.

Mr Bartolucci: I look at your work experience and I'm really impressed with it, to be perfectly honest with you. There's a good background here. You spent three years over in Saudi Arabia. You could have extended that for another three. Why did you choose to come home?

Mr Spink: I'd had enough. I was there about two and a half years in total and my children were quite small. They were, I guess, in grades 1 and 3 when I came back. You know, it's an important time in terms of grandparents being available in their lives.

Mr Bartolucci: It safe to say that you didn't watch too

many movies over there during that time.

Mr Spink: No.

Mr Bartolucci: Your education certainly prepares you well for the committee, and some of the same courses that I took you took. Top-quality management will hold you in good stead in the committee. I look at your community activities. This is a question that normally the New Democratic Party asks, but I'm going to ask today because Tony's caught in a bit of a bind here. I don't see any political involvement. Are you a card-carrying member of any political party?

Mr Spink: I've been a member of the PC Party of

Ontario since 1994.

Mr Bartolucci: Have you ever run for them?

Mr Spink: No.

Mr Bartolucci: Were you active in this last campaign at all?

Mr Spink: Yes, I was, in the community. Also, I was a volunteer in the last two federal campaigns. Before that, I was not politically active for a number of years, but if you go back far enough, at one time I was a federal riding president for the Liberal Party and a vice-president of the Liberal Party in the —

Mr Bartolucci: There are so few converts that go from Liberal to Conservative. I may want to ask you why — I would normally allow the NDP to ask that —

and I won't.

The Vice-Chair: Mr Bartolucci, let me assure that when I asked you to ask that question, I had no idea what the answer would be.

Mr Bartolucci: But Tony, it will be the last time I

ever ask this question.

There's absolutely no problem with that in this democracy. I'm sure before the end of this term is out you'll be coming back over. And you know what? We'll accept you.

I have to ask how you found out that there was this

opening.

Mr Spink: About a year ago, I was talking to a woman who worked in our local constituency office and I indicated to her that I would be interested in serving on some sort of provincial agency or board and that I did have a particular interest in film. What she advised me at the time was to submit my résumé to the Public Appointments Secretariat, which I did, and that was about a year ago. I'd forgotten about it, to be honest with you, because I didn't hear anything until a few weeks ago when they said that my name had been presented for this particular agency. I was thrilled because it was an area that I was interested in on a personal level.

Mr Bartolucci: Listen, I wish you well. I think you'll

be great on the board. Good luck with it.

Mr Gravelle: I just wanted to ask a quick question. Do you have any personal views on censorship?

Mr Spink: I don't like the word "censorship." I believe adults should be in a position that they can make

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an informed choice for both themselves and their children in terms of what films or videos they want to see. That goes back to the idea of classifying films, and certainly putting warning labels is extremely important. My wife and I are avid moviegoers, but if my wife sees a warning that says that there is brutal violence, she will not go to see that film. If that warning wasn't there, then she could be subjected to things that she personally would find extremely offensive. I think the classification and labelling system is very important.

Mr Peter L. Preston (Brant-Haldimand): My question is very similar. You mentioned classification of films, you talked about obscenities, and in most minds we end up with a sexual connotation to obscenities. What about the obscenities and freedom of speech regarding racism, regarding the events of the Second World War. Those are two good ones; tell me about those. Tell me what should be allowed on the market regarding these things.

Mr Spink: The Second World War issue is an interesting one because there was a bit of controversy in Washington this past week because one of the US networks showed Schindler's List uncensored, and if you've seen that movie, you'll know that not only is there a considerable degree of violence but there's also full frontal nudity and what not. A couple of — I'm not sure whether it was a senator or a congressman who was extremely offended by the fact that this was shown on television.

I look at the way the Ontario Film Review Board handled that particular film. Because of those factors, technically it would be a restricted film. However, you then weigh that against the educational value of younger people being aware of some of the things that did happen and so it did get an adult accompaniment classification. I think that was a wise and prudent thing to do in that particular situation.

The racism issue is even more complex because certainly there have been a number of films that have a racial theme to them, but the idea of actually advocating blatant racism I would find personally very offensive. I've not read anything in the Supreme Court decision that specifically dealt with that issue. I'd certainly like to find out more about it, because it's something I haven't really thought of, but it is something that is extremely offensive to me personally.

The Vice-Chair: Thank you, Mr Spink, for appearing before the committee.

JOE MAVRINAC

Review of intended appointment, selected by the third party: Joe Mavrinac, intended appointee as member, Ontario Realty Corp board of directors.

The Vice-Chair: I call on Mr Joseph Mavrinac, to come before us, intended appointee as a member of the Ontario Realty Corp board of directors, although I'm sure we may have seen Mr Mavrinac here in his other capacities. Welcome, Mr Mavrinac. The process we have is to spend about half an hour with you, if need be, and to ask you, if you wish and would like, to make some opening

comments. Then we'll have members of the committee in rotation ask some questions.

Mr Joe Mavrinac: Thank you very much, Mr Chairman. I'm glad that the individual who preceded me put you in the proper frame of mind so you can take it easy on an old man.

Mr Preston: They don't do that for me.

Mr Mavrinac: I want to thank you very much for the opportunity of making a few remarks and give you some background and why I feel I would make a suitable candidate for the position for which I have been nominated.

My business experience encompasses in excess of 30 years, primarily in the hotel-motel business but also in other private business and partnerships. I'll just mention a few. A group of us had Norten Holdings Co and primarily we dealt with apartment buildings and commercial properties. Raven Mountain Resorts was another group I was involved with. I was president of that group for several years. It's a mountain that is situated on the Quebec border, 27 miles east of Kirkland Lake, a 520-foot vertical drop. It's not as nice as Searchmount, but we're getting there as soon as we develop the other ridge and get a few more chairlifts, but up till now it's been the best-kept secret in Ontario.

The other area I was very much involved in was the catering business. I have the catering contract for the three campuses of Northern College — Haileybury, Timmins and Kirkland Lake — and I also had a private catering business.

My public experience has been as mayor for the past 16 years. This is my sixth consecutive term. I was a councillor in the 1950s and 1960s and a representative on numerous municipal committees. My provincial relationship experience has been as president of the Association of Municipalities of Ontario and prior to that on numerous AMO committees and boards of directors. I gained extensive experience for a need to rationalize priorities, both spending and resource planning, through the disentanglement process, of which I was one of the principals. I was president of AMO at that time.

As you remember, Mr Chairman, I also had to endure the social contract and the expenditure control plan. We did exceptionally well in Kirkland Lake. We're proud of that because our employees did not have to take any of the so-called Rae days. We found substantial and sustainable cuts within the system that more than offset the losses we had in terms of cutbacks.

Through public and business experience, I've gained insights into effective management in human and physical resources. I have a personal appreciation of the need to rationalize real estate holdings to meet fiscal targets established by both the present and the past governments. I understand the need to house government agencies in single buildings, where possible, to minimize costs. Consolidation could make for greater understanding of what the province entails within communities. I'm a strong proponent of the one-stop-shopping principle.

I have a firsthand knowledge of the effects on northern communities related to the provincial initiatives and its real estate. I have gained extensive experience in large projects through spearheading public campaigns such as the Kirkland Lake Community Complex and the Museum of Northern History. I was the chairman of the needs and feasibility studies and also the chairman of the fundraising committees on both of those projects. They were multimillion-dollar projects. When they opened the doors, we didn't have to raise a cent, debenture or borrow from anyone. They were paid in full.

With those few remarks, thank you very much.

The Vice-Chair: Thank you, Mr Mavrinac. We'll go to the government side, questions?

Mr Bob Wood: We'll reserve our time. The Vice-Chair: To the Liberal caucus.

Mr Frank Miclash (Kenora): Mayor Mavrinac, I must say that your CV here is quite impressive. Most important, your contribution to northern Ontario has certainly come through loud and clear in terms of your accomplishments in the north and on behalf of Kirkland Lake.

At the present time, you are mayor of Kirkland Lake, I take it. Do you see any conflict in terms of sitting on this board and being the mayor of Kirkland Lake?

Mr Mavrinac: I don't think so. I thought of that. I made my announcement in January because in a lot of the smaller communities people think you're going to run forever. This is my sixth consecutive term. I made the announcement early in January. I didn't think that I was going to get called this early in the process, but I am not running this time. I'm quite aware of the process you speak of, and if there was any conflict, I'm sure that I could at that point in time step down or step aside, or leave the room, I should say. From what specific perspective are you coming?

Mr Miclash: I guess in general decisions in terms of the board. I appreciate your comment that you could step outside of the room if Kirkland Lake were ever involved in any decisions, or northern Ontario, in your capacity as mayor of that particular community. That's where I

would say conflicts possibly come in.

Mr Mavrinac: Right now there is one building that we are looking at, and that's the OPP. We downsized our municipal force. The OPP detachment closed its building in Kirkland Lake and it closed the one 27 miles east of us in Virginiatown and housed everything in one building. That was very productive and cost-effective for both organizations. We saved about \$300,000 in that move and the OPP did about the same. So now we have that building, it's vacant, and what we're pursuing — hopefully, the Attorney General will see fit that we'll be able to move a courthouse into that building instead of having us move 75% of the caseload down to Haileybury, 55 miles to the south of us. That's about the only instance I can think of.

Mr Gravelle: Good morning, Mr Mavrinac. For members of the government party, Mr Mavrinac is truly a northern legend. I had an opportunity to work with you before. I'm not sure if you recall me, Mr Mavrinac.

Mr Mavrinac: I remember you very well.

Mr Gravelle: Northern development councils and all that sort of stuff.

Mr Gilles Pouliot (Lake Nipigon): Let's not overreact.

Mr Gravelle: He just said he knew me well; he didn't make any comment. Anyway, it's good to see you today.

Indeed, you have had remarkable service in terms of the north.

I think it's very clear with your experience — I think Mr Miclash's question was a fair one and I appreciate that you took it seriously, that in terms of potential conflicts you'd be very careful. I have little doubt that you'll probably be a fine member of this particular corporation and I can see no reason why we would object to you being on it.

But I want to ask you as a northern mayor, if I can sort of slip off topic, because it's an opportunity to talk to someone who is on the front lines, so to speak, what is your reaction in Kirkland Lake — and you've talked to other northern mayors — in terms of some of the initiatives the government has put forward in this particular winter session, or spring session, as they prefer to call it, the transfer of responsibilities, basically the dumping from provincial to municipal the social assistance, the child care, libraries — there's a whole list of them. I'm curious as to how it's going to affect Kirkland Lake.

Mr Mavrinac: Let's go back to last year. The total amount of decrease in funding was \$750,000. We had to make some very important decisions and some that weren't all that popular. I've told you about the police. We were thinking about going to OPP service because we were one of four municipalities in all of northeastern Ontario that had our own police force. Right now, all that's left is New Liskeard, believe it or not, less than

5,000 people, and North Bay and Timmins.

We were really seriously thinking about that, because you have to appreciate, and I don't care what municipality you're in, that about 35% or 40% of your net general levy goes to policing. We found out through the studies we conducted that we could save a considerable amount of money. So the \$750,000 the first year — last year — was quite easily attained, but the most difficult decision that I had to make was in my jurisdiction. I appreciate the support that I've had over the many years from the seniors, and we have a very high percentage of seniors in Kirkland Lake. We cut out our transit system and that saved another \$300,000. So the \$150,000 was easy to pick up.

We expected the same amount of cut this year, but that didn't happen. The northern mayors lobbied Chris Hodgson and every other minister we could talk to, and we explained to them the uniqueness of northern Ontario. Instead of a \$750,000 cut this year, we got a \$410,000 cut. It's still going to be difficult, but it's attainable. I can't see the cuts going any further, because we have been cutting since 1990. We've cut our personnel in the works department by 19. It's just on and on and on, because it's that kind of an economy there. We got started way before the province started cutting back.

Mr Gravelle: But have you done a calculation in terms of the most recent announcements, in terms of the downloading that's happening? Obviously education is being taken off the residential property taxpayer, but the other responsibilities will be added to the municipal burden, financial burden. I know most towns, most communities have done, as best they can, a calculation of what it's going to mean, and certainly there's been a

number of communities that really feel that based on the service level now their property taxes are going to have to go up a significant amount, if not a frightening amount. I just wondered whether your community has done a calculation of that.

Mr Mavrinac: We did the same studies like any other municipality, to be in the area of \$2 million, maybe a little more. We were at the Ontario Good Roads Association convention last week and the Association of Mining Municipalities had our minister, Chris Hodgson, there. We were discussing the three funds, the transition funds and the \$1-billion-plus restructuring fund, and we were assured that it could be revenue-neutral after the whole situation is worked out. We're hoping that happens. But getting back to your question, it would mean in excess of \$2 million.

Mr Gravelle: Do you agree with the government's decisions in this area?

Mr Mavrinac: We have a very good financial situation in Kirkland Lake because of the obvious. It's a nonrenewable resource. We could not spend more than we took in. That principle I agree with wholeheartedly. The previous government took a route that wasn't popular. I'm really getting a charge out of the whole process right now and how the unions, OPSEU especially, are dogging this present government, because every time Mr Laughren and Mr Cooke and I walked out of a meeting, they were there, in northern Ontario or southern Ontario.

Nobody wants to give up anything on their turf, but yet I feel very strongly that we all have to look at that very seriously and start living within our means. How this is all going to evolve and what procedures and what other people have, how they would handle a problem, the problem's still there and it has to be addressed and it has to be accomplished.

The Vice-Chair: We'll move then to the NDP caucus, Mr Pouliot.

Mr Pouliot: Thank you, Joseph.

Mr Mavrinac: Joe. I was baptized Joseph, but nobody has ever called me that since.

Mr Pouliot: Well, Joe, good morning. It's nice to be in your company. Humour becomes you.

We go back some time. I'm wondering, how were you approached, how did you find out about the Ontario Realty Corp? Did someone come knocking on your door one day and say: "Ah, a miracle. Joe, we want you to serve the province in a different capacity." By the way, your intention of not seeking re-election, was it fairly well known at that time when this came about? When was it public knowledge that you were not to seek re-election? I understand from my neck of the woods that you're not seeking re-election.

Mr Mavrinac: I did it the first week in January to let everybody know so they could prepare, because a lot of the people up there still thought I was going to be running in November, on November 10, and I just had to make it very clear, to give them all kinds of opportunity to — because no one's come forward from my council or from the chamber of commerce, and that bothers me. I just didn't want to leave them in the lurch because my wife and I made up our minds after the last election that it would be the last time. You've got to remember, this

was the sixth consecutive election and this is going to be 17 years.

Mr Pouliot: So after all those years the family comes first. That's nice to see. You bring an unusual human dimension to your forte.

Mr Mavrinac: Now getting back to your first question, how this came about, I was in Timmins and I told my friend Peter Doucet that I was not running, and just after the press conference, "Well, what are you going to do?" I made the announcement at the press conference. I said that with all the years of service I'd like to still have some connection with the whole process, I'd like to sit on a board or a commission a day or two a month. I told that to Peter Doucet. This was back in November when we had a farewell party for Bob Gervais, the president of Northern College in Timmins. When I made the announcement, Peter asked me to send a résumé. I just assumed he sent it down to Toronto here and that's how it started.

Mr Pouliot: Very well. By virtue of your background and the involvement that you put into anything you tackle, I take it that you're familiar with the mandate if you are appointed, what you are about to be asked to do. I just overheard when you were addressing the financial Mecca opposite, friends and colleagues of the Conservative Party, about living within your own means. Then right before that you had mentioned that in terms of cuts there are thresholds, that you can cut so much and so forth. Do you get paid for this? Do you know if there is a stipend?

Mr Mavrinac: I think it's \$150 a day — I stand to be corrected; I'm not sure, to tell you the truth — \$150 per meeting, and expenses. I haven't even gone into that.

Mr Pouliot: Does it entail being out of town quite often? Where are the meetings?

Mr Mavrinac: I was told that the meetings were once a month. That is not a problem.

Mr Pouliot: You'll be asked to borrow money to buy government surplus land. How do you see your mandate? Have you had any discussion with other people on this as to what methodology they used, how they arrived at that?

Mr Mavrinac: Until I get to the meeting, I just assume that if you buy the land, you borrow the money to buy the land, you sell the land, you're going to make a profit. That's what the exercise is, hopefully. I don't know what the real estate is like out there, but that money could be used to downsize the deficit. I think that's what the nature of the exercise is.

Mr Pouliot: So with respect, I better not know that you're anxious to sell the land because your margin of profit may be adjusted accordingly. There are a lot of market conditions that prevail. Of course, you will be under pressure. You're not the one saying this all day; you do have immunity here.

Mr Mavrinac: Well, I guess we get a certain —

Mr Pouliot: There's a group of people. It's quite simple. You make some commitments, and at the time you make them they seem to be so facile, you can do all kinds of things. A lot of people will make you rich in 15 years if you put your money down now. The commitment's like a balanced budget, giving people like — there's nothing wrong with that, they say — Frank Stronach a quarter of a million dollars per instal-

ment by virtue of the tax break, and at the same time you're closing hospitals — that's okay; human dimension; people should be able to stand on their own two feet — and hitting the poor going up the foodline.

It creates a lot of pressure to sell things because there is a mindset — quite often it's correct, in my humble opinion — that the private sector will do it better. The trick here is that we must allow a margin because the private sector is motivated by the bottom line. Money is a motivator. Great stuff. I have no quarrel with that. But you have to factor these in.

We've been on opposite sides, you and I. I had four ministries with the previous administration. I can't think of a person who is better equipped in terms of integrity. There are others, there are many others, but I can't think of anyone who is as dedicated in the service that you've offered year after year to the people of Kirkland Lake and the people of the north in general. It certainly deserves commendation. We don't belong to the same philosophy, and I can appreciate that, but I'm certainly

envious of the many qualities that Joe brings forth and I would highly recommend his appointment.

The Vice-Chair: Are there any questions from the government caucus?

Mr Bob Wood: We'll waive our time, Mr Chairman.
The Vice-Chair: Thank you, Mr Mavrinac, for appearing before us.

We'll move now to dealing with votes on the two

intended appointees.

Mr Bob Wood: I move concurrence in the intended appointment of Mr Spink.

The Vice-Chair: Is there any discussion on that? All those in favour? Opposed? Carried.

Mr Bob Wood: I move concurrence in the intended appointment of Mr Mavrinac.

The Vice-Chair: Any discussion on that? All those in favour? Opposed? Carried.

That concludes our business for this morning. The committee stands adjourned.

The committee adjourned at 1110.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Mr Frank Miclash (Kenora L)

Mr Dan Newman (Scarborough Centre / -Centre PC)

Mr Peter L. Preston (Brant-Haldimand PC)

Mr Tony Silipo (Dovercourt ND)

Mr Bob Wood (London South / -Sud PC)

Substitutions present / Membres remplaçants présents:

Mr Jack Carroll (Chatham-Kent) — 5 March 1997

Mrs Brenda Elliott (Guelph PC) — 26 February and 5 March 1997

Also taking part / Autres participants et participantes:

Mr Gilles Pouliot (Lake Nipigon) — 5 March 1997

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Standing committee on government agencies

Intended appointments

Journal des débats (Hansard)

Mercredi 19 mars 1997

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON **GOVERNMENT AGENCIES**

Wednesday 19 March 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 19 mars 1997

The committee met at 1005 in room 228.

INTENDED APPOINTMENTS

The Chair (Mr Floyd Laughren): The standing committee will come to order. Welcome, members of the committee. The first order of business is the reports of two subcommittees, one dated March 6 and the other dated March 13.

On March 6, the following people were selected for consideration: Larry Boese for the Council of the Association of Architects; Marci Davies, the Ontario Film Development Corp; and Robert Whitley for the Ontario Film Development Corp, selected by the opposition. The third party also selected Larry Boese.

There were others selected who have since been withdrawn for consideration by members of the committee. One is for the Ontario Film Development Corp, Mr Whitley, withdrawn by the official opposition.

Mr Tony Silipo (Dovercourt): No, actually, that one

we're going to leave on, Mr Chairman.

The Chair: Oh, I'm sorry. You're leaving that one on. Also for that date, the Commercial Registration Appeal Tribunal, Stephen Kelly. John Simpson is withdrawn. Still on the list for the Ontario Realty Corp is Stephen Lim, to be considered today. Also withdrawn is Arlene Wright for the City of Owen Sound Police Services Board.

If someone would move the subcommittee report, as amended with those withdrawals, I'd appreciate it.

Mr Bob Wood (London South): Mr Chairman, I'll move adoption of the subcommittee report of March 6, 1997, as amended.

Mr Silipo: Mr Chair, I just want to be clear. Mr Kelly, in fact, is remaining on because he's one of the people who's scheduled for this morning. I just wanted the record to be clear on that.

The Chair: Correct.

Mr Silipo: So the two who are coming off would be Mr Simpson and Ms Wright.

The Chair: Correct. All clear? All in favour? Carried.

Thank you for that.

The second subcommittee report is March 13, and there's also a withdrawal of two on that one. The first one is for the Alcohol and Gaming Commission of Ontario, and the name there is Kirsti Hunt, and that's for consideration on April 23, which is the next time the committee is scheduled to meet.

Clerk of the Committee (Ms Donna Bryce): April 2nd.

The Chair: Oh, sorry, April 2 as well.

The second is the Health Services Restructuring Commission, Harri Jansson, for consideration April 23;

and two withdrawals, as I understand it, one from the Lakehead University Foundation, Emilio Rigato, withdrawn by the third party, and from the Council of the College of Optometrists, Nicholas Franceschini, withdrawn by the third party. But staying on the list is Harri Jansson. I thought we had him before?

Clerk of the Committee: Yes. He was chosen by the

official opposition.

The Chair: Okay. He was also chosen by the official

opposition, right. He stays on the list.

That completes the selections of the subcommittee on March 13. Is there a motion for adoption of that subcommittee report?

Mr Bob Wood: Mr Chairman, I move the adoption of the subcommittee report of March 13, 1997, as amended.

The Chair: Thank you for that. All in favour? Opposed? Carried.

STEPHEN LIM

Review of intended appointment, selected by third party: Stephen Lim, intended appointee as member, Ontario Realty Corp board of directors.

The Chair: We can get down to the business of the day, which is to review a number of selections, and the first one is Mr Stephen Lim to the Ontario Realty Corp board of directors. Mr Lim, we welcome you to the committee. We will give you the opportunity to make any opening remarks, if you choose to, after which point the members of the committee can ask you any questions.

Mr Stephen Lim: Thank you very much, Mr Chairman. I have no opening statement to make at this time.

The Chair: Any questions from the government members?

Mr Bob Wood: We'll reserve our time. The Chair: The official opposition?

Mr Michael Gravelle (Port Arthur): Good morning, Mr Lim. I see in your résumé that you are the president and owner of Stephen Lim and Associates, a management and development consulting firm specializing in the redevelopment of shopping centres in distress. Obviously in terms of the Ontario Realty Corp there's somewhat of an interesting connection in the sense of what one of the roles of the Ontario Realty Corp board is in terms of the use of government land and space and buildings. Is that why you're interested in this position or is that one of the reasons why you feel you'd be qualified for this position?

Mr Lim: In reviewing some of the aspects of the Ontario Realty Corp, I found that my experience over the past 20 years virtually touches upon all the aspects in the way the corporation functions. In that respect I was hoping that my experiences over the past 20 years would

assist in some of the processes that will have to occur over the next few years through the realty board.

Mr Gravelle: I'm sure this probably wouldn't be a problem, but is there any potential for conflict in the sense that part of the responsibilities, as I understand it, of the Ontario Realty Corp is indeed real estate marketing services in terms of trying to basically unload some government property. I ask that in the least rude way possible. I see what you're doing in terms of your full-time career and wonder whether you could potentially see any conflict in terms of that and some of the roles that you may be undertaking with the realty corporation.

Mr Lim: I understand your question. It's a relatively small industry. Of course we know a lot of people in the industry. I think the conflict-of-interest guidelines are very clear that should I come into a situation where there is potentially a conflict, I would have to declare it and remove myself from the process involving that particular

issue.

Mr Gravelle: But I take it you don't see that happening very often or you probably wouldn't be pursuing this.

Mr Lim: I can't predict what's going to happen in the future, but certainly I hope it doesn't happen often.

Mr Gravelle: In terms of the accommodation review program which is going on, I take it you agree in principle with what the realty corporation is attempting to do? Is that a fair estimation? Have you spent some time looking at what the mandate of the corporation is?

Mr Lim: I haven't had much time to review but I'm aware of the accommodation program. Your question is,

do I agree? The answer is yes.

Mr Silipo: Mr Lim, good morning. I note from your résumé that one of the extracurricular activities you've been involved in is as a member of fund-raising committees for Mr Tsubouchi, the current Minister of Consumer and Commercial Relations, and on the fund-raising committee for the Premier, Mike Harris. Should I assume from that that you're a member of the Conservative Party?

Mr Lim: Yes.

Mr Silipo: Can I just go back to the point that you were discussing with my colleague around potential conflict of interest? I appreciate your position that should that arise, you're clear there are guidelines, and obviously you would abide by them. Your work - again I'm just looking at your résumé in terms of your company — you say is as a consulting firm which specializes in the redevelopment of shopping centres in distress. Given that the government is now involved in acceleration of the sale of what it considers to be surplus government lands, do you know if there is a real potential or beyond that of any of the lands the government is in the process of looking at selling, which would be part of the job you would be involved in approving as a member of this board, that might in fact be ones that would be there for commercial developments such as shopping malls?

Mr Lim: Mr Silipo, I have no idea what is contained in the government's portfolio of lands to date, so I don't

believe I can comment on that at all.

Mr Silipo: Okay, fair enough. Could I just ask you then what it was that drew you to be interested in this particular board? Did you make an indication that you

were interested in serving on this board or that you were interested in serving on a board? How did your appointment come about?

Mr Lim: I guess it started some time ago. We were sitting down, some friends — in fact, I've lived in this province for some 47 years. The province has been very good to me. Looking for an opportunity to serve, a friend suggested that perhaps with my background there might be something I could do. I think there is a publication outlining all the positions available and it seemed like my background best suited the Ontario Realty Corp. On that basis, I submitted a résumé.

The Chair: Any further questions or comments for Mr Lim?

Mr Bob Wood: We'll waive our time, Mr Chairman. The Chair: Okay, that's the painless procedure completed. We thank you very much for appearing before the committee. At the end of the proceedings this morning there will be a decision as to how the committee will vote on the various intended appointments. Thank you for coming before the committee.

We're running a little ahead of time, so I don't know

if Marci Davies is here or not.

Mr Bob Wood: Mr Chair, I wonder if we might in the interim consider a concurrence vote on Mr Lim.

The Chair: Sure, if it's in agreement with the committee.

Mr Bob Wood: I move concurrence in the attended appointment of Mr Lim.

The Chair: You've heard the motion. Does anyone wish to speak to it? Okay, ready for the vote?

All those in favour of Mr Wood's motion? It's carried unanimously. Thank you for that.

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LARRY BOESE

Review of intended appointment, selected by official opposition party: Larry Boese, intended appointee as member, Ontario Association of Architects.

The Chair: Mr Boese is here, and if the committee agrees, we can deal with Mr Boese's intended appointment now. Mr Boese, we appreciate your being here early to allow us to do this. As you may have heard before, there's an opportunity for you to make any opening remarks you might care to make, and then you'll have questions from members.

Mr Larry Boese: Thank you. I'm here early because I drive in from St Catharines. You never know whether you're an hour or two hours, so today was one of those one-hour-and-10-minute deals.

Thank you for the opportunity of appearing this morning. I would just like to recap very briefly my current and past civic involvement. I'm currently vice-chair of the board of trustees of Brock University. I've been in that position for six years. Also, I'm a co-chair of the Brock business school. That's a position I've held for nine years. In addition to that, I'm involved with the Herzog Foundation, which is a local foundation that raises money for the St Catharines and district hospitals, and I've been involved with that for 10 years. I'm also currently a director of the St Catharines city promotional

task force, which is intended to raise the image of the St Catharines and Niagara area throughout the province and

Canada to try to attract some industry.

I've previously been involved in numerous community affairs in addition to what was stated on my submission. I've also been the co-chair of House for Hunger. I've been involved with a distress home for unwed mothers, which we just finished paying off the mortgage on in three and a half years. I was also the chair of a community park stadium committee. The debt on that was retired in three years as well. I'm also the co-chair of the Brock University business school capital campaign.

I would also like to add that in addition to my other involvements I've sat on numerous other charities. I've always felt that giving back to your community and/or your province or your country is a foremost desire for the democracy we have in our country. I would like to also add that I did not apply for this position. I was approached by a director of the OAA who is currently the vice-chair of the board. This has been in the works, as I

understand it, for about two years.

The Chair: Thank you for that. I think we should start

with the official opposition this time.

Mr Gravelle: Good morning, Mr Boese. You did not apply for the position, but obviously you're interested in being involved in this position. Can I ask you whether you've done any research in terms of how the board works and what your thoughts are in terms of how you can contribute to the activities of the board.

Mr Boese: Yes, I have looked at the workings of the OAA. The contribution I expect to be able to make is that as a Lieutenant Governor's appointee, one of the major functions is to sit on the discipline or the complaints committee. As I understand it, I would be on the discipline committee. This of course is the venue where the public and public safety and interest are protected by the

Mr Gravelle: Have you had much of a relation with the association before, in terms of your own activities? Have you been familiar with the workings of the association?

Mr Boese: Not directly, no.

Mr Gravelle: What do you see as being the main activities? Obviously in terms of discipline, maintaining and establishing standards is one of the things, which strikes me as being words that I'm not sure I understand. As architects — I'm not, obviously, one myself. I'm interested to see what that would mean. What could you do proactively to change the association in any way at

all, or does it need change?

Mr Boese: Quite frankly, not having been on the council, it's very difficult to comment as an outsider as to whether it needs change, but my perception of the information that I've been given and have read in detail is that the association is a very well-oiled, smoothrunning operation. It's a self-regulating body. There are a few of those in Ontario. Some of them have been very successful, some have not. This particular body has been very successful in education, establishing qualifications, furthering the mandate of the association and in looking after the complaints and discipline within their own community.

Mr Gravelle: Mr Boese, I presume you're familiar with Bill 98, the Development Charges Act.

Mr Boese: Yes.

Mr Gravelle: I would be curious to get your viewpoint on that bill, particularly in light of your profession and everything else.

Mr Boese: Do we have about an hour and a half to

discuss this?

Mr Gravelle: We've got a little bit of time. I'm sure Mr Silipo will be happy to follow up on it if we run out

Mr Boese: The Development Charges Act, which really has nothing to do with the OAA -

Mr Gravelle: Really?

Mr Boese: — started out on a very, very positive route and unfortunately has taken a few detours and sidetracks along the way. In my opinion, in some municipalities it's being overused, it's being blatantly misused; in others, I think they have been using it for the purpose it was intended. But we could get into a real discussion on that

Mr Gravelle: In terms of the bill being put forward by the government, have you had a chance to look at that?

Mr Boese: No, I have not.

Mr Gravelle: Certainly one can make the case that a lot of the municipalities aren't too happy about it, and certainly there's a feeling made public by a number of people, and some of them known Tory supporters too, and they're very, very unhappy with it. I'm surprised you haven't got more familiarity with the actual bill being put forward.

Mr Boese: As I understand it from the regional organization that we are involved with in the Niagara region, there is a briefing of that coming within the next two weeks, towards the end of the month.

Mr Gravelle: Even though you haven't looked at it, tell me what you would want to have in it then and we'll see how close it is to what's in there. What are some of the changes you would be recommending if you were in

the position to do so?

Mr Boese: In the Development Charges Act? First, I would set some standards which are universal for the province rather than giving as much of the mandate to the local municipality. I'm not suggesting we shouldn't have a local mandate. I think that's great, because local needs are different throughout the province. But I think the guidelines need to be a little more stringent so that the applications as such cannot be abused. As I say, there are a lot of municipalities where the Development Charges Act works extremely well, but I know of others where it has been blatantly misused.

Mr Gravelle: Do you feel that municipalities are the ones who should be setting local development charges?

Mr Boese: Yes.

Mr Gravelle: Mr Boese, just one other question which I'm curious about too, and this is usually a question that Mr Silipo asks, but I'll ask it anyway, if I can jump the gun, Tony: Are you a member of any political party, Mr Boese?

Mr Boese: Yes.

Mr Gravelle: May I ask you which party that is?

Mr Boese: At the present time, the PC Party.

Mr Gravelle: Are you involved in any specific activities with the party?

Mr Boese: No.

Mr Gravelle: I don't mean to be coy. I understand you're involved in fund-raising, to tell you the truth, and very involved in fund-raising for the party.

Mr Boese: I have raised funds for various parties for various elections. At this particular point in time I am a

PC.

Mr Gravelle: Can I ask how you feel about some of the decisions this government has been making or forcing upon us in the last couple of months in terms of some of the downloading decisions?

Mr Boese: I don't really think that's a relative question.

Mr Gravelle: Is that unfair? Sorry?

Mr Boese: I don't think that's a relative question to today's discussion. Again, we could go on for numerous hours. I'm not trying to slight your question.

Mr Gravelle: I'm always especially curious to hear how a party member feels about these issues. Mr Boese, thank you very much.

Mr Boese: You're quite welcome.

Mr Silipo: Mr Boese, good morning. Mr Gravelle has asked my first question.

Mr Gravelle: Sorry.

Mr Silipo: No, I think that's fine. I appreciate somebody else asking it from time to time.

Let me just be clear, Mr Boese, because your résumé makes reference to you having founded at one point an architectural design consulting firm, you're not an architect?

Mr Boese: No, I'm not.

Mr Silipo: All right. I wanted to be clear, given that you are, as you pointed out, being appointed as a public member of the council.

There are a couple of things that I wanted to pick up on. I think you touched on part of this earlier on, but I just wanted to hear your comments on how you feel about the issue of a body like the Ontario Association of Architects, which is one of a relatively few number of professional bodies that are self-regulated, as opposed to others where the regulation is split off from the association of the members. I'd be interested in any thoughts you have. I can tell you honestly that I don't have at this point a particular right or wrong answer in my mind, but I'm interested in people's perceptions of these things.

Mr Boese: As I said earlier, and to expand on it just a little, there are several bodies — for example, the Law Society of Upper Canada, the engineering association and the OAA, the architects' association, are three that come to mind — that have in fact, as I said, set the standards for education and qualification and have become their own insuring body as well as a complaints and discipline organization. They've become all-encompassing.

Some smaller organizations that I've been associated with in the past have not done as well as the OAA has. The OAA has managed itself very well. Their indemnity fund is well-funded. They have taken extremely cautious approaches, from what I can see by their annual reports, as to possible claims. They have tried to be fair. The act,

as I read it, even though they are self-regulating, does have the opportunity to still go to the courts, if you will, for appeal. Of course, the act has changed several times, 1935, I think, and 1984; the act has changed considerably, but I think they've done an extremely good job over the years. If there were more organizations that could do this, it would take the load off government and government involvement — not that I'm against government involvement in all cases, but in some cases I believe it just adds to the bureaucratic process.

Mr Silipo: Do you think there's a rationale for having, in some professional bodies, the kind of setup we have here and as we have, as you mentioned, in the legal profession but not in others; in other words, in other organizations where the governing of the profession is separate from the association of the members? Is there an overarching principle or general parameters that you would see as dictating when there should and when there shouldn't be the kind of merging of the two, as there is in this case?

Mr Boese: First I'd like to comment that this appears to work very well even though it is a very one-sided, if you will, council because you have three lay members and the balance, I believe a minimum of 14, come from within the profession. When an act is put together between a body and the government and both can live with it, and it's in the public interest that it is established in that fashion, I would see more and more of this

As I say, it takes strain off the taxpayers in that selfgovernance, if it's effective, is better than getting the government involved because of the cost. We end up

paying it in taxes.

happening, if possible.

Mr Silipo: I want to ask you about another area where again, I'll be very clear with you, I don't know what the council is doing on this and I'm just curious to see if you know, and that's the whole area of how the council deals with people who come to Ontario with qualifications from other jurisdictions, whether they be other parts of Canada or indeed other parts of the world. Do you know what the attitude or the approach of the council is?

Mr Boese: I have not read anything in the act or their legislation or annual reports that specifically refers to the educational or qualification point of view from out of province, if you will. They have members from out of province. They have members throughout Canada, the Northwest Territories and Yukon who are members of the OAA, so obviously there is a qualification process. You're speaking more specifically, are you, of individuals coming from another country?

Mr Silipo: Yes, and how easy or how difficult the council makes it for people who are qualified as architects from other countries who come to Ontario as landed immigrants, and eventually become citizens, to exercise

that profession.

I raise it really more as a request, because obviously I expect that you will be appointed to this. You seem to come to this with some good knowledge of the area as well as some good qualifications, your membership in the Conservative Party notwithstanding. I really raise it as an issue where I'm very interested in seeing what various professions are doing and, quite frankly, if for nothing

else, to ask you when you get appointed to this body to take a look at what in fact the council is doing, because I believe it's an area we all need to turn our minds to in a more concerted fashion than we have. I know there are some activities going on now within the government. We had begun some steps in that direction when we formed the government, and it seems to me we're wasting a lot of potential when we have people who are trained in the various professions and we make it hard, or harder than we need to, for them to translate their previous training, education and qualifications into the Ontario context.

Mr Boese: Thank you for your comments. I can't comment because I don't know what their position is. I do know that in many professions it's not the governing body that creates the problem; it's Immigration Canada

that creates the problem.

Mr Silipo: That may be. As I say, I don't know enough about what happens in this area to say one or the other. I can give you one example in another professional body where there appears to be a situation in which there is an additional exam that's required for people who are trained in other jurisdictions. As one Ontario-trained professional in that area said to me, the cost is, first of all, exorbitant, much more than the cost for the equivalent exams of an Ontario-trained professional in that area. Second, it's an exam, as he put it, that he probably wouldn't be able to pass as an Ontario-trained professional.

I'm not assuming for a second that the same situation exists here in this profession, but again, I take advantage of your being here, as somebody who's going to be appointed to this body, to raise that and ask you to take a look at what is happening within the architectural

profession on that.

Mr Boese: Certainly. Thank you for the comments.

The Chair: Government members?

Mr Bob Wood: We'll waive our time, Mr Chairman. The Chair: Okay. That completes the cross-examin-

ation, Mr Boese. Thank you for coming before the committee.

Mr Boese: Thank you for the opportunity.

MARCI DAVIES

Review of intended appointment, selected by official opposition party: Marci Davies, intended appointee as member, Ontario Film Development Corp.

The Chair: Is Marci Davies here?

Ms Marci Davies: I am.

The Chair: Good. We welcome you to the committee. If you wish to make any opening comments, please feel free to do so.

Ms Davies: I don't think so, thank you.

The Chair: Okay. Can we start then with Mr Silipo. Mr Silipo: Ms Davies, good morning. We've been asking all people who appear in front of the committee, unless we know for a fact, whether they are members of any political party. Are you?

Ms Davies: No.

Mr Silipo: Have you made donations to any political party?

Ms Davies: No.

Mr Silipo: I'd be interested in your thoughts on what is happening, or what you know has already happened and what you anticipate might happen, as a result of the changes the government has made to the funding scheme. As I'm sure you know, the government has reduced the level of funding, almost eliminated, I guess at this point, the level of funding to the Ontario Film Development Corp. To be fair, the government has instituted a form of tax credit scheme, and I'd be interested in your views on that whole approach in terms of the difference between direct government funding to the Ontario film development industry, as opposed to the tax credit scheme that's now in place and what impact that's either having, as you see it, or is going to have.

Ms Davies: I don't know a tremendous amount about production. My experience is more in the other end, which is getting the pictures on the screen. I assume it will become harder for smaller, independent producers to get pictures made and we might see fewer of those. Other than that, it would be pretty difficult for me to comment without too much knowledge in the independent produc-

tion end of the business.

Mr Silipo: That's actually something else I want to pursue, your comment that it might hurt small, independent filmmakers or producers, because the statistics that we have, and they may not be the most current, indicate that between — I don't know if you have this information we have or not —

Ms Davies: Yes.

Mr Silipo: You do. Just looking at the change from 1995 to 1996 in terms of the film and TV location production spending in Ontario by Canadian and American productions, it's interesting to see that the American productions have gone up noticeably, while the Canadian productions have gone down. It seems to me that if we are concerned about the relative weakness that the Ontario film development industry is in, and I don't want to jump to any premature conclusions, is it fair to say that at least some of that has come about as a result of the change in the funding scheme?

Ms Davies: That's only been in place for I think about six months, so I can't imagine how that could be a reflection so soon. I think you always see an increase in American production in this country when the Canadian dollar is weaker, and as the American dollar gets stronger, production here goes up throughout the country.

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Mr Silipo: I'm not complaining about the increase in American production, because obviously that means jobs for people here, but I'm concerned about the decrease in Canadian production. I'd be interested in any thoughts you have about what, if anything, government should do and what, if anything, the body that you're being proposed to be appointed to can do to change that around.

Ms Davies: Right now I really don't have a lot of knowledge about that and I'm really not in a position to

comment on that specifically.

Mr Silipo: Can you tell me then what brings you to this position? What led you to be interested in being appointed to this body?

Ms Davies: I was asked if I would be interested in sitting on the board and obviously am very interested in

the film industry and have been with Cineplex for eight and a half years and have an extensive background in marketing and media relations. I think, wearing the exhibitor hat, I'd probably have a lot to offer the OFDC, bringing a different perspective to the board.

Mr Silipo: What needs to be done to increase the number of Canadian films that we, as members of the

public, get to see?

Ms Davies: Commercial viability. It all boils down to the fact that we know when a picture opens on Friday night how long it's going to last in a theatre. We say people vote with their wallets, and if nobody goes to see Canadian films, they're just not going to stay in the theatres. Until more commercial-type pictures are made that are going to draw a much broader audience, the percentage of box office that Canadian pictures do, relative to the total box office gross in Canada, is not going to change.

Mr Silipo: But looking at your own situation as vicepresident of Cineplex Odeon, where obviously you also, because of smaller cinemas, are able to cater to films that might not attract the big audiences, what about in that area? If I take it at its crudest level, and I'm not suggesting that's how you intended it, your comments would seem to indicate that the Canadian film industry would have to change significantly what it does in many ways

in order to become attractive at the box office.

Ms Davies: That's absolutely correct. I completely believe that.

Mr Silipo: Would we be sacrificing in that perhaps some of the more artistic aspects of the film industry if we were to do that?

Ms Davies: No, that market could maintain itself, but there has to be tremendous growth in the commercial end of the Canadian film product, much like you see on television. The success of the Canadian television series and the export of that product has proven that we can produce those kinds of things here and now it just has to translate itself into our business, which is the film industry. There have been a handful of Canadian films that have succeeded outside this country. They have very limited commercial viability on a mainstream basis, and until that changes, nothing is going to change the percentage of the box office gross that Canadian pictures earn.

Mr Silipo: Okay. I can only judge in terms of individual, more anecdotal types of situations, but certainly when you look at some of the foreign films that seem to be well received, they don't tend to be films that are copies of the American commercial-type film venture. They tend to be more — I'm using a generality here —

the artistic-type film, so I guess I —

Ms Davies: Those are films that find an audience, very much so.

Mr Silipo: What is it that prevents the Canadian film industry from finding that same niche, that same kind of audience?

Ms Davies: Either the appeal of the film or the picture isn't marketed properly or they don't get distribution outside of Canada to give other countries an opportunity to see the picture.

Mr Silipo: What, if anything, should the Ontario Film Development Corp do in terms of that whole area of

distribution and what can be done to increase the number of Canadian films that we get to see?

Ms Davies: Not understanding completely how they help promote the pictures outside of this country, I would assume that if there's an opportunity to help people get to other markets, such as Cannes and Venice and all of the other markets where they can sell their pictures, that certainly would be an opportunity to help promote that.

Mr Gravelle: Good morning, Ms Davies. I want to just pursue a little bit the intent you have in terms of serving on the OFDC, because I'm curious as to whether you feel it's important to invest in Ontario-made films and in Canadian-made films. Obviously, under the Ontario film investment program that's what OFDC did until I guess fairly recently. I think the statistics are there that prove that certainly for every dollar invested, it came back in tax revenues and production money spent and employment that came for people. So I'm curious as to whether you feel that investing in Canadian film and being a supporter of Canadian culture is an important thing to you personally.

Ms Davies: Absolutely. I think creating jobs in the province is important. I think promoting Canadian culture is important. I think the opportunity for Canadian film-makers to get their films made in this country is important. But if the economics in today's environment don't provide that kind of funding, as a taxpayer I also under-

stand that.

Mr Gravelle: I guess what I question about that is the fact that under the investment plan it was very, very clear that the economics were there with the money that was invested in the plan, into the productions. The return was clear in terms of that. I guess what I'm trying to do is pin you down to some degree to say whether you believe dropping that plan, which clearly has meant \$30 million less in investment in Ontario-made films, there's clear evidence of that happening, whether you would argue that indeed they should be looking at reinvestment again in terms of that film investment plan, or whether you think the tax credit plan as it is now is good enough.

Ms Davies: I perceive that to not be an option, that the funding cuts were in place and that, sitting as members on the board, it wouldn't be in our position to recom-

mend otherwise.

Mr Gravelle: I guess that leads me then to my sense of what you feel your role is in terms of being on the OFDC. Is it your role, do you believe, as a member of the OFDC to lobby and to be strongly supportive of the cultural industries in this province? You certainly have a stake in the film industry in this province in terms of your career as well and obviously you have real personal interest, but do you believe it's the role of a board member in this situation to look at other options, to recommend to the government in that position and say, "We've looked at this, we think this would work better," or do you feel it is just simply to follow the rules as they are and to be I guess a reasonably passive member of the agency? That's really what I want to —

Ms Davies: I think my personal role would be contributing to policies and issues that are in place and going forward and not actively taking a role in lobbying for more funding. It's one day a month, from what I under-

stand, and that's the time commitment I've made to the board. I certainly feel that in the other initiatives that are taking place I would be able to spend that day wisely.

Mr Gravelle: Do you feel in any way at all that the cultural industries in this province are somewhat under attack — I appreciate that my colleagues wouldn't appreciate that phrasing — in terms of the government's approach to their funding for the cultural industries in this province? Is that how you see what's happened in terms of this government's approach?

Ms Davies: I wouldn't say they're under attack any more than all of the other areas that are undergoing

significant budget reductions.

Mr Gravelle: Obviously there's been a reduction in funding for a number of agencies. There's certainly no reason the cultural agencies or film production should be any different is what you're saying?

Ms Davies: That's correct.

Mr Gravelle: Despite the fact that you could make a strong case that the payoff is very much there when you make that investment. I guess that's what concerned me, that the investment has absolutely paid off and it seems that the withdrawal of that investment has hurt the industry.

Do you see yourself then as a person who would be lobbying and looking, in the limited amount of time you have available, at different options and different recommendations to the government to try and see what might

work better?

Ms Davies: Possibly. I think it will take some time in understanding exactly what the mandate of the OFDC is and exactly what's involved in being on the board.

Mr Gravelle: Can I ask you just about Cineplex Odeon too, what Mr Silipo was asking you about as well, in terms of the Canadian films getting, I guess, about 3% of the screening time? I know that Cineplex Odeon shows—

Ms Davies: Versus half that in the box office.

Mr Gravelle: That's the brutal fact right there.

Ms Davies: Absolutely. We play more Canadian film product than any other exhibitor in this country.

Mr Gravelle: I believe that. I see what's on your screens. You're saying the bottom line is that unless the

films make money, you obviously can't —

Ms Davies: It's like any other picture: If people don't go, the picture is removed and something else is put on that screen. More films are in production than ever before, and there's a fight for screen time. If a picture isn't grossing, it's got to go.

Mr Gravelle: I think it probably is still one of the oddities of the film industry that the Genie awards, which are a great achievement obviously for filmmakers, frequently show films that have not had distribution in the country or in the province. That is a real oddity. I

guess that's strange.

I don't mean to embarrass you at all, but can you tell me what happened in terms of Lilies and John Greyson? Here's a man who had the Genie-award-winning film and the film was premiering at Cineplex Odeon. He was unhappy about OFDC funding and was making some form of protest and it ended up turning into probably something you weren't happy about.

Ms Davies: Our theatre manager wasn't happy about the protest in the theatre. He was asked to leave; he refused to leave. The theatre manager thought it was in his best interests to call the police; he called the police. The police asked him to leave the theatre; he wouldn't leave the theatre and the police arrested him and charged him with trespassing. The charges have since been dropped and we've kissed and made up.

Mr Gravelle: It was unfortunate.

Ms Davies: Very.

The Chair: Any other questions for Ms Davies?

Mr Bob Wood: We'll waive our time, Mr Chairman. The Chair: Okay. Ms Davies, thank you very much for coming before the committee and providing the

answers you did. We appreciate it. Good luck.

We have one other intended appointment, who has not

yet arrived, and we are half an hour early. We could entertain a concurrence motion, if that's —

Mr Bob Wood: Mr Chairman, I move concurrence in the intended appointment of Ms Davies.

The Chair: Any comments? Are you ready for the

question?

All in favour? It's unanimous; carried.

Mr Bob Wood: Mr Chairman, I move concurrence in the intended appointment of Mr Boese.

The Chair: You've heard the motion. Any comments?

All in favour? It's carried unanimously.

I think since it's half an hour or more before Mr Kelly is scheduled to appear, we could take a recess for 20 minutes or so and try and keep an eye on when he comes in.

Mr Bob Wood: Do you want to set 11:30?

The Chair: Yes, why don't we just set it at 11:30. The committee recessed from 1053 to 1127.

STEPHEN KELLY

Review of intended appointment, selected by third party: Stephen Kelly, intended appointee as member, Commercial Registration Appeal Tribunal.

The Chair: Mr Kelly has joined us in the committee this morning. He's an intended appointee to the Commercial Registration Appeal Tribunal. Mr Kelly, welcome to the committee. We are pleased you're here. If you want to make any opening remarks, you may do so at this time, or you can simply wait and receive questions.

Mr Stephen Kelly: I just have some brief opening remarks. Just to let you know a little bit about myself, I am from Nepean, I am married and I have two children. I have a BA from St Francis Xavier University in Nova Scotia. I have a law degree from the University of Ottawa. I am a partner with Kelly, Howard, Santini in Ottawa. I practised for 13 years in private practice. Presently, my practice is focused on insurance and commercial law.

I have appeared before a number of tribunals, including the Workers' Compensation Board and the Ontario Insurance Commission. I've also appeared before most levels of court in Ontario. I am also a strong proponent of ADR mediation and I am a member of the panel of court-connected mediators on the Ottawa pilot project, which is just under way and I am looking forward to seeing how that works out.

I have also taken extensive training in ADR, which included a component in arbitration, but most of it has been on mediation. Some of the mediation training I have has been specific to commercial disputes.

I am also secretary-treasurer of Kelly Funeral Homes, which is a family-owned funeral home in Ottawa, my

family.

I first became aware of the Commercial Registration Appeal Tribunal three years ago when I represented a client before the tribunal. During the course of setting up that hearing, I became aware of the fact that there weren't any representatives, members of the panel, from Ottawa and that these panel members were being flown in from out of town, which seemed a little strange to me, not very cost-effective.

Last fall I had another case that was before the tribunal and again it came to my attention that there were no panel members in the position of vice-chair from the Ottawa area and they were being flown in, so that got me looking into things and led to my being here today.

As far as what I have to offer the tribunal is concerned, I have experience before administrative tribunals, I have a great deal of trial experience, I have my legal training, and as a result I know the rules of civil procedure, the principles of natural justice, and I've dealt with issues such as expert reports, expert witnesses, weighing what hearsay evidence gets in, how much weight should be put to it, that type of thing.

From my own experience I also have an appreciation of the need for tribunals or courts, for that factor, to be open and receptive, to be courteous and polite, and to remove the intimidation factor. I understand that with CRAT, in between 30% and 40% of the cases, the applicants or appellants are representing themselves and I think it's a duty, as much as possible, to make those people feel welcome and give them an opportunity to be heard so that they can present their case as best they can.

To be frank, I get something out of this too. This isn't all altruistic. I think it's an important function and I get the satisfaction of hopefully doing a good job. It's also a change of pace for me, from being the barrister acting for a party to the role of decision-maker and it gives me some experience in arbitration that I don't have today. That's what I get out of it.

The Chair: Thank you, Mr Kelly. We'll start with the government members if they have any questions.

Mr Bob Wood: We'll reserve our time, Mr Chairman.

The Chair: Okay. The official opposition.

Mr Gravelle: Good morning, Mr Kelly. I must say that in your opening statement you actually answered some of the questions I very much wanted to ask, and may I say answered them in a fashion, in terms of the sensitivities I think are needed in this position, that you were very appropriately sensitive in terms of trying to make people feel comfortable and that sort of thing, so I was glad you addressed that.

Clearly, you are well qualified in terms of your background in the legal field and your experience, so I can't imagine having any objection to your being appointed. In fact, I feel very encouraged by your attitude about this. But I do want to ask you a few questions.

One thing you referred to is that there's the potential you'll have to remove yourself on occasions, based on the fact you've appeared before the tribunal. I take it you don't consider that to be a likely problem, but obviously a conflict could arise if you have a client. Do you anticipate that being a problem?

Mr Kelly: No. The most part of my practice is insurance and commercial; it doesn't involve licensing and that type of thing very often. I would think probably the greater conflicts will come under the Cemeteries Act and funeral directors act. Even those were only 1.4% of the tribunal's cases last year and I would suspect very few of those came up in Ottawa. If they did come up, I guess I have the option of disclosing the potential conflict and see if people are content with it, but I think I'd be more comfortable simply saying, "Someone else should hear this." Ottawa's a smaller city and I wouldn't be comfortable hearing anything that one of my competitors may be involved in.

Mr Gravelle: You made reference to the percentage of cases that come under the funeral directors act or Cemeteries Act, which makes me understand that you've done some research in terms of the number of cases that have come before the tribunal and the percentage. One thing I don't know is, do you know what percentage of the cases are successful? Do you know what the record is in terms of appeals being successful or unsuccessful?

Mr Kelly: I don't know. I have my doubts they keep those simply because in the view of the tribunal they are successful in that justice has been rendered. They probably don't keep won-lost statistics, but if they do, I don't

know.

Mr Gravelle: The fact they've got there, they've had their day in court, so to speak.

Mr Kelly: Yes.

Mr Gravelle: Are you familiar with the task force on agencies, boards and commissions which Mr Wood here chaired, which basically recommended that the Commercial Registration Appeal Tribunal be merged with various other agencies into one body, a new licensing appeals tribunal? Are you familiar with that recommendation?

Mr Kelly: Somewhat. When I looked into this in more detail I asked the CRAT office to send me information on themselves and a bit of that information was included, and from the committees office some additional information came down. So I am aware that CRAT is to be merged with three other boards including child and family services, private training schools and licensing, I believe, under the Ministry of Transportation, which deals primarily with trucking. I am aware that is there and I've read some of the papers saying what the changes are designed to achieve. To that extent, I am aware of it.

Mr Gravelle: Do you support that? Obviously it is somewhat of a cost-saving measure, a way to be more cost-effective. Do you have an opinion on that?

Mr Kelly: My opinion is it suggests that there are five boards, tribunals, that are basically obsolete, that are going to be removed and that the aim is to simplify and streamline, to be easier for people to have access to, and to be cost-efficient. To the extent it achieves those goals, great. To the extent that it will, or whether it is a wise decision, I just don't have enough information to give an

informed opinion.

Mr Gravelle: Mr Kelly, did you seek out the appointment yourself? You indicated in your opening remarks that you became aware of the tribunal as a result of your involvement. I'm just curious exactly how the process unfolded in terms of you sitting here today, so to speak. Did you seek it out yourself?

Mr Kelly: Yes. There was a very helpful woman in the CRAT office who sent me the materials I asked for, and they're just general materials that go out typically to lay appellants. She sent that out and then I phoned a number of members of Parliament to find out the process, "It seems to make sense there should be somebody in Ottawa and what's the process?" and then I made the application myself.

Mr Silipo: Mr Kelly, good morning. I too appreciate very much the extensive nature of your opening comments. You really left very little room in terms of any questions I might have, because the one issue I wanted to raise with you was in fact the one Mr Gravelle raised about the agencies, about this board being merged with

others.

I want to pursue that a little bit more and just put out a concern, because this may turn out to be something useful and I want to keep very much of an open mind on it. If I understand it correctly, the idea is to put together a few other boards in so far as they deal with similar issues; that is, the question of approving or not approving licences to run particular services. In that sense one could say, just looking at the surface, that there might be some sense to doing that.

I would just be curious about whether you have any sense, given the lot of knowledge you do have of how the Commercial Registration Appeal Tribunal works, of whether this would just create more of a workload or would complicate things by creating a new board that would have too much to do in terms of the myriad of responsibilities, not so much the different bodies but the myriad of responsibilities that come with them. I would just be interested in any thoughts you have on that.

Mr Kelly: I guess their concerns would fall into two camps. One is administrative, how awkward or how easy it is going to be to administer this. I really can't comment on that because I haven't been involved in the administration of one of these tribunals. I can say that, dealing with CRAT, and I've met the chair, Mr McClure, I am really impressed with them and they seem to be very capable

people.

From the panel members' point of view, I think it introduces more legislation to deal with but we're already dealing with 19 pieces of legislation. You can't possibly know 19 pieces of legislation inside and out. It is a general knowledge of the area, a general knowledge of the law, and then as each case comes up you re-examine that piece of legislation. By adding on five or 10 more, whatever number it is, I don't think changes anything.

You're still going to have to look at it again. It's a challenging position. It's a lot of legislation to interpret and apply and that's what makes it interesting.

Mr Silipo: One question that I ask as a standard question to everyone who appears, Mr Kelly, so I'll ask it of you, is, are you now or have you ever been a member of any political party?

Mr Kelly: Provincially? Mr Silipo: Or federally.

Mr Kelly: Provincially, no, not now, not ever. I have supported individuals in every one of the three major parties. I'm one of those good government people, so if they're good people and they ask for my support, then they get it. Federally, I think I've been a member of each of the three major parties at one point in time, all I think dealing with nomination meetings. People want to get the nomination for a party in a particular riding, and if they're good people and I think will they do a great job, then I'll probably sign up, vote and not remain an active member.

Mr Silipo: That's one of the most interesting responses I've had to that question. Thank you, Mr Kelly. I want to wish you well. I'll certainly be supporting your appointment, as I am sure other members of the committee are. I want to applaud you for the initiative you've taken in getting here. I agree with you that it's important we also have on this body, as we should on all bodies, people from various parts of the province and obviously your appointment will fill a gap that's there, but also I think will add somebody with very good credentials to this body.

The Chair: Do the government members have any questions or comments for Mr Kelly?

Mr Bob Wood: We'll waive our time, Mr Chairman. The Chair: Mr Kelly, thank you very much for coming before the committee. I'm sure I speak for all members of the committee when I say I wish you well. We're pleased you put yourself forward to sit on this tribunal.

Mr Bob Wood: Mr Chairman, I move concurrence in the intended appointment of Mr Kelly.

The Chair: You've heard the motion. Any comments? Ready for the question? All in favour? It's carried unanimously. Thank you for that.

Mr Bert Johnson (Perth): I didn't have my hand up. The Chair: Mr Johnson.

Mr Bert Johnson: I heard something very disturbing in that and it just moved me to wonder about his appointment.

Interjections.

Mr Silipo: He didn't say he was a member of one of the opposition parties now.

Interjection: No, he didn't.

The Chair: Before this meeting degenerates any further, we stand adjourned until April 2. Thank you.

The committee adjourned at 1143.

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Standing committee on government agencies

Intended appointments

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Première session, 36e législature

Journal des débats (Hansard)

Mercredi 2 avril 1997

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 2 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 2 avril 1997

The committee met at 1005 in room 228.

INTENDED APPOINTMENTS JOHN GARDNER

Review of intended appointment, selected by official opposition party: John Gardner, intended appointee as

member, Workers' Compensation Board.

The Chair (Mr Floyd Laughren): The standing committee will come to order. We have no subcommittee report this morning, so we can move directly to the intended appointees. The first one is Mr John Gardner for the Workers' Compensation Board. Mr Gardner, welcome to the committee. As you may know, it's the tradition that you be allowed to make any opening remarks you might have, after which members of the committee can ask you any questions.

Mr John Gardner: Thank you very much, Mr Chair, for this opportunity. I'll make just a very brief set of opening remarks. I'm not familiar with the process, so I don't know what background you have, but my experience really has been in the insurance field. I've had 35 years with a major Canadian life insurance company. The majority of that time was spent in the management of business operations, territorial operations, and in general management. For 10 years I was president and director. All that has been with one company, so I can't claim to have had experience with a variety of employers.

My professional training was as an actuary, and it was really during the front end of my career that the actuarial side came into the nature of my work. I was involved with the life insurance industry a few years back, designed its consumer protection plan. I was part of that process. I was a member of the task force that put it together, then a director and then chair for three years.

With respect to experience outside the industry, for a number of years I've been active with different organizations. I'm currently chair of the Fields Institute for Research in Mathematical Sciences. It's an institute which receives strong support from the province of Ontario. I'm a trustee at the Sunnybrook Health Science Centre. I served for nine years as a government appointee to the governing council of the University of Toronto. I think this experience is relevant, because first of all it has made me sensitive to the processes of governance. It has also given me the opportunity of working in an environment where you have a multiplicity of interests to deal with.

Just very briefly in terms of my preparation, I think my experience with the company is relevant. It is a major player in the disability income field and it is also a large employer, just as is the Workers' Compensation Board.

In terms of preparing myself for the issues in front of the board, I have had the opportunity to read through some of the material that has been flowing out over the last year and a half now. I'm very conscious that with respect to a nomination such as this, one should acquire a background. I think one is expected to rely on one's prior experience — that has to relate to one's point of view — but at the same time, as a board member I would want to be able to relate objectively to the research and the thinking that has been done, and I would not want to prejudge the issues, so I have tried to do my reading without attempting to develop too firm a stand in my own mind on things. I think perhaps that's enough in the way of an introductory comment.

The Chair: Thank you for that. Do government

members have any questions at this time?

Mr Bob Wood (London South): We'll reserve our time. Mr Chairman.

The Chair: The official opposition?

Mr Richard Patten (Ottawa Centre): Welcome, Mr Gardner. Out of curiosity, did you spend any time in

Montreal with your company?

Mr Gardner: Yes, I spent quite some time in Montreal. I went to University of Toronto. In that process my family moved to Montreal, so it was natural for me to start working there. I worked there for about 13 years. My company then transferred me down to the States for five and I went back to Montreal for two. I was advised at the border when I came back to Canada that at that point in time Sun Life had made its announcement and I was going the wrong way, but I worked there for another couple of years before coming to Toronto in 1980.

Mr Patten: Are you the present president?

Mr Gardner: No. I retired as president at the end of August of last year, so at this point in time I have no active relationship with Sun Life.

Mr Patten: So you're available?
Mr Gardner: I'm available.

Mr Patten: I'd like to ask a few questions in line with what I think will be some of the challenges you would most likely be facing. You have spent most of your life, as you said, in the private sector, in private insurance as it were, and now you would be moving to a publicly operated workers' compensation system. What do you believe are some of the differences that might place you in a position to either broaden or reconsider an organizational cultural difference?

Mr Gardner: I think there are both similarities and differences. In terms of similarities, both private and public sector institutions should have a clear idea of what their goals are so that they can work effectively at achieving them. To the extent that the institution, which-

ever side of the fence it's on, is an employer, there are practices that work well, there are practices that don't work so well. In terms of the differences, on the private side the objectives tend to be expressed quite frequently and clearly with respect to the ability of the private sector to meet its financial obligations, to manage its bottom line, as it were. On the public side, while ultimately I think the same responsibility exists, there's a little more flexibility often with respect to the time frame, and that flexibility is traded off for the public sector organization's desire to meet the expressed and perceived needs of the various communities it serves.

Mr Patten: I'm sure you're aware that the present chairman of the board is talking about some pretty significant organizational changes and I see in your background that you have been in a position for reorganizing and redesigning structures and this sort of thing. Based on what you know of the organization, do you have any thoughts on the direction it needs to move in in order to improve its capacity to deliver its mission?

Mr Gardner: Recognizing once again that my experience with respect to the Workers' Compensation Board is really limited to the material I've been reading, to me there's a positive flavour that comes from many of the changes that are either being implemented or being contemplated. I sense that there is an intention to tighten the focus of parts of the organization so that it is more focused on the benefits, on the clients that the board has, with less attention to what I'll call a functional bureaucracy. I think over the last decade or so many organizations have moved in that direction.

There seems to be recognition that the delivery of benefits to the clients by the board has been outstripped by the growth of the administrative apparatus in terms of size and volume. I think that's a direction many organizations around this continent in recent years have not followed. They've been able to go the other way, where they've been able to provide the same or better service with a tighter organization.

I sense that there's an emphasis on immediacy, the notion, for example, which I feel quite strongly about, that with respect to a claim in the area of disability, of injury, the earlier that the claims management process can be brought into play, and issues such as rehabilitation and vocational change, the sooner that happens the more effective it can be. That sounds quite interesting, as does in general the notion that the role of the board is to regulate the system and within the system there's a higher degree of reliance placed on the combination of the worker and the employer.

Mr Patten: Have you had an opportunity to participate in either any interviews or consultations with Cam Jackson's review or any of the discussion papers that have been distributed on occupational hazards, for example, things of that nature? Have you had a chance to participate in any of those?

Mr Gardner: I've had a chance to see Minister Jackson's paper and much of the material that came out in November with respect to Bill 99. In fact, I took an opportunity to attend a one-day seminar that was put on for employers, to explain to employers some of the things that were going on. I have seen some of the material that

relates to the discussion that is opening up on the revision of the workplace safety and accident act, but I haven't really had a chance to digest that. That I've only seen most recently. As I say, it's been an opportunity to read, and not participate, I think, in the sense that you're asking.

Mr Patten: Have you had a chance to review Bill 99? Mr Gardner: I've had a chance to review the discussion material that surrounds it but I haven't seen the bill itself.

Mr Patten: Interestingly enough, I just received a letter from my own municipality — I'm from Ottawa — from the Ottawa-Carleton regional council expressing concerns about Bill 99. I won't read the whole thing. There is a whole variety of "whereases" here, but one of them is the limitation or the outlaw of compensation for certain disabilities that have been heretofore covered under the current legislation.

Just to elaborate a little bit, in a nutshell, their worry is that there will not be coverage for certain work-related injuries that are considered to be of — what's the term? — a repetitive injury nature. They are not covered in the private sector either; they are not covered in the public. The individual worker making the assumption that these are legitimate cases, or let's say the ones that are, where does that person receive some support during a difficult time or during a rehab period?

The municipalities are saying: "This is going to add to costs for us that we will have to bear with our particular workers who won't be recognized." They're saying that's a legitimate claim. What would be your response to them on that score?

Mr Gardner: At this point I think my response would be one more — I would be interested in hearing the debate. As I understand the situation, over recent decades there's been a broadening of the definition of what constitutes a covered injury. That has led to a situation which has put a crunch between the coverages one would like to offer and the ability to pay, but I think that's getting into the realm of the act and the Legislature to deal with. I think the board ends up having to take instruction from the legislation or regulation, from the ministry, as to what is covered or not covered.

Mr Patten: My last question: If you as a director of the board found that you were in conflict — and imagine that it is possible that sometimes pieces of legislation are not well thought out or they turn out to be not pursuing the mission that was intended — and you felt there were really some injustices here, that people were not being covered and were not being recognized for truly work-related accidents or injuries or illnesses or whatever, what would you tend to do?

Mr Gardner: As a member of the board, if I felt strongly on the position, I would first of all attempt to work with the other members of the board to see if I could bring their views into line with mine. At the same time I would run the risk of having my views changed in that internal debate. At the end of the debate I would have to make a decision where, in order to support the broader objectives of the board, without changing my own personal view, I might end up supporting the majority view. If I felt very strongly that it was wrong, I

would think in normal governance procedures — after all, the board is responsible to the government — I would attempt to see that the alternative view is expressed to the government.

Mr Patten: Thank you very much, Mr Gardner.

1020

The Chair: Thank you, Mr Patten. Mr Kormos.

Mr Peter Kormos (Welland-Thorold): I'll reserve my time, Chair.

The Chair: Do government members have any questions or comments?

Mr Bob Wood: We'll waive our time, Mr Chairman. The Chair: Back to you, Mr Kormos, if you wish.

Mr Kormos: Thank you, Chair. Mr Gardner, having read the criteria by which the appointee was chosen, "significant knowledge and experience in the private insurance industry at a very senior level," I certainly can't quarrel with your expertise in that regard. I am concerned about the prospect — and I'm suspicious of this government, you've got to understand that, very, very suspicious. You're as qualified a person in terms of the expertise in the private insurance industry.

My concern is that the agenda here is one which has as its goal either the privatization or what I call quasi-privatization of WCB, which causes me great concern. But that's my concern, which is a very political one, not yours. I have no questions of this gentleman. I don't

know why he's here, Chair.

The Chair: Mr Gardner, you can see that you've had a very pleasant ride this morning.

Mr Gardner: So far.

The Chair: I will simply leave you with that age-old definition of an actuary which you may or may not have heard, and that's that an actuary is an accountant without a sense of humour, but I doubt very much that's your case.

Mr Gardner: I have been around long enough that

that one is already in my repertoire.

The Chair: Thank you, Mr Gardner, for coming before the committee this morning.

Mr Gardner: Thank you for this opportunity.

ROBERT WILLIAMS

Review of intended appointment, selected by official opposition party: Robert Williams, intended appointee as member, Health Services Restructuring Commission.

The Chair: If you would take a seat, Dr Williams, we appreciate your presence before the committee this morning. All the members of this committee are very familiar with the Health Services Restructuring Commission. It has visited many of our communities. We're pleased that you're here. Do you wish to make any opening comments?

Dr Robert Williams: Yes, I do, please. I'm honoured to be here today; I think anyways I'm honoured instead of intimidated. I would like to give you a bit of my background. I graduated from the University of Western Ontario in medicine in 1975 and I've been in private practice in Timmins, Ontario, since 1976. I still continue to provide primary care in Timmins, and my practice includes a private office practice and general practice. I

do emergency shift work, I look after inpatients in the hospital in Timmins and continue to do obstetrics.

I've been chief of staff at the hospital in Timmins since 1985. I've managed the medical staff through many changes in that time, including the expansion of a hospital from a primary care hospital to a specialty care hospital, the amalgamation of two former hospitals into the present Timmins and District Hospital and the development and construction of the newest hospital in Ontario — general hospital.

I've worked with many provincial health care organizations over the last 12 years. They include the Ministry of Health; the Ontario Hospital Association; the Ontario Medical Association; HMRI, or the Canadian Institute for Health Information; ICES; as well as the JPPC. I've specialized in projects concerning policy development and

I've written several articles on the physician's role in health care restructuring and have consulted on request with several individual hospitals in this province that were having organizational problems involving their medical staff.

I'm honoured to be considered for a position on the Health Services Restructuring Commission. I believe I will be the first physician on the commission who is actively practising medicine. I hope I can bring to the commission a broad-based clinical perspective to their discussions and that I will assist the commission in making quality decisions. Thank you.

The Chair: Thank you. We'll start this time with the

official opposition.

physician utilization.

Mr Michael Gravelle (Port Arthur): Good morning, Dr Williams. You've indicated to some degree why you actually want to be on the Health Services Restructuring Commission. As the Chair pointed out, we're all very familiar with the process. I'm from Thunder Bay, and Thunder Bay was the first stop of the restructuring commission.

I'm curious as to your opinion in terms of some of the decisions that have been made by the commission. I appreciate that you might be reluctant to comment in any kind of definitive way, but it would be interesting, especially in light of what you said about being the first practising physician to be on the commission, because obviously some of our concerns, probably in Thunder Bay and perhaps in other regions, have to do with the fact that there has not been a terrific sense, necessarily, of what the reality in the community is and the reality of the hospitals and the treatment is as well. If you're willing to comment on some of the decisions that have been made so far, I'd be very curious.

Dr Williams: I think the commission has made some very courageous decisions. I've been working in utilization management with physicians for many years and I believe there's a lot of room for improvement in efficiency and the way we do business and have worked very hard on the provincial level to try and educate physicians and move them along in some change processes that will improve the efficiencies in their practices while still delivering quality care.

I know a physician very well in Thunder Bay, Dr McLeod, whom I'm sure you know as well, and I've heard his concerns expressed about some of the decisions that have been made. Having read the review and read the report, I think they objectively looked at numbers and have tried to make rational sense out of a very complex situation, and I'm very curious to see how successful they can be in implementing some of the recommendations.

Mr Gravelle: Of course the thing that concerns everyone — and it wouldn't just be Thunder Bay; I'm sure Sudbury, and if the Chair wasn't in the chair he probably would have some interesting questions for you and a few others as well. To say you'd be interested to see — I realize you're not being the least bit frivolous about it, but obviously one of the great concerns is that if it doesn't work, the ramifications are massive. Certainly one of the concerns is the speed with which the commission insists that things happen and the fact that the transitional process, the community care, is not necessarily in place. Have you been watching that carefully as well? I think that is a legitimate concern and it's one that even the commission itself perhaps is beginning to recognize.

We've noticed as they've gone through the province that there have been some adjustments. You hit Thunder Bay first. That is a major issue. So I'm curious also about your thoughts in terms of that transition and the whole question of moving to better community care, let alone

other medical needs as well.

Dr Williams: Certainly I can respond to that. I think there is a need for a shift to community care and it has to happen. It will not happen without a push and I think the stronger the push the faster it will happen. My experience with medical practices is that physicians enjoy doing what they've done in the way they've done it and are reluctant to change. I've worked with physicians and changed processes and without some third party usually pushing the process along, it moves very, very slowly.

I think medical practice can easily be switched to take advantage of a lot of opportunities that are available right now in the community. Certainly in Timmins I don't think we take anywhere near the full opportunity of using what we already have. I don't know Thunder Bay or Sudbury or the other regions that have been reviewed in great detail, but my guess would be that there are a lot of community services there and physicians just need to get used to using them and delivering care in a different way.

Mr Gravelle: What are your thoughts specifically on a government that says, "We are going to remove \$1.3 billion over three years out of your operating budget," and chooses to restructure at the same time? That is without question the most difficult thing they're asking the system to handle. I would be curious: As somebody who's obviously practising as you were in Timmins and heading up the hospital there — because that strikes many of us as being an almost impossible thing to do — you literally say, "We're going to cut their hospital budgets by that amount and we're going to make you restructure at the same time."

Dr Williams: I agree. I think the first year of budgetary cuts have been successfully absorbed by almost all the hospitals in the province. This year, though, I think we're going to see some hospitals not be able to successfully cope with the 6% or 7% reduction, whatever they

received this year, and I think that next year the further budgetary cuts that are proposed for hospitals will be impossible to implement unless the restructuring dollars from years 1 and 2 are reinvested. I just don't think the hospitals can cut much more without getting into some quality care delivery problems.

Mr Gerard Kennedy (York South): The JPPC that you sit on has run models to show exactly that, and I'm just wondering, with respect to the models and the formulas that are going to be used by the commission, do you not find that you're going to be in a position of being involved with the committee that was providing some of the evaluative tools and now at the same time implementing them? Do you see that as an advantage or disadvantage? I wonder if you could comment on the models that you're going to be bringing in as a member of the commission.

Dr Williams: Well, I haven't been involved in all of the models that the commission is using, but certainly some of them, and I think I'll be able to offer a very practical working knowledge of the innermost details of these models, so I'll be able to reflect, I hope, as a commissioner where the strengths are and where the weaknesses are. I think a lot of people are using the models in ways that they weren't intended and shouldn't be used in decision-making, and having I think a very good working knowledge of how they were put together, I'll be in a position to identify those weaknesses and ensure that the models are used in the correct way.

Mr Kennedy: Can you give some examples of where

that has been used incorrectly to date?

Dr Williams: Well, one of my major concerns is with the expected stay index referral population, the ESI referral population that each hospital is given, and that is the denominator for calculating the patient-days per thousand. Now it's benchmarked at around 550 patient-days, going down probably to 450 over the next couple of years.

I think the model works very well in determining the population for urban hospitals where there are several hospitals in a large area, but the model breaks down when you get into rural and remote geographic areas. I think the model needs to be rethought and another sort of system be applied to rural, small hospitals in the province to understand what they contribute to their community and to the health care in their area and how they should best be repositioned in the future.

Mr Kennedy: I wonder if you too could comment: There's an average length of stay — of course, it's fairly controversial — 75th percentiles across 550 categories is what area hospitals are being asked to shoehorn themselves into. That's clearly the standard of the commission. It's being applied. Alternative level of care of zero? I wonder if you'd comment on those two benchmarks as well, from your past experience.

Dr Williams: I think the 75th percentile length of stay is reasonable. It's a 1994-95 benchmark, 75th percentile, and already most hospitals in the province are doing better than that in 1997, so I think it is a reasonable benchmark, using that year's database. I think that if 25% of the hospitals are able to achieve it, it is likely workable for most hospitals.

A lot of education has to be given to physicians, though, on how to practise to meet those sorts of standards. It's something that in medical school and in training we were never exposed to and never educated towards, and I think there's a huge gap in knowledge for a lot of physicians on effective ways of achieving shorter lengths of stays, and a lot of work needs to be done in that dimension.

Mr Kennedy: Of course there are, across the province, a lot of stories coming in from hospitals, Peterborough, other hospitals, so when these formulas hit the real world — you seem very convinced of their applicability, but we're experiencing at least the beginning of a crisis in public confidence in whether the system can handle these things. For many people out there, this is people being pushed out of hospitals quicker and sicker, and we're getting — not conjuring up but getting — real live examples of that happening.

I'm wondering, from your perspective as a commissioner, what is the commission's role going to be to maintain public confidence to make sure that these things happen in not an arbitrary, sort of cold-blooded fashion, but actually respect the real problems that exist out there? How will you bring an approach to help alleviate some of that if you agree that those are some of the problems in

the current experience?

Dr Williams: I'm hoping to bring a perspective to the commission where there will be a lot more education, not only to physicians but to consumers. I think that people have developed a standard of expectation over many years, for many good reasons. That needs to be challenged and they need to be shown reasonable alternatives. Certainly I've worked with a lot of physicians in this regard, and with proper education and appropriate experiences they've been able to adapt. I'm confident as well that in my community with public education and taking the time to identify the key issues and approach the public about those issues and give them understanding about those issues, it's certainly paved the way for them to accept the changes as well.

Mr Kennedy: I'm just wondering —

The Chair: Sorry, Mr Kennedy, we really have gone

Mr Kormos: I come from down in Niagara region, small-city Ontario. We just went through one of these subcommittees of the district health council doing their work, led by a Tory, no two ways about it, and that's fine. They wanted to shut down hospitals and they put their proposition to the public, and people across Niagara in the thousands said, "Don't shut down Hotel Dieu," for instance, in St Catharines, which has a major dialysis unit, a major contribution to palliative care, among other things. Port Colborne. Where are the other ones, Mr Froese? Out in Lincoln, in your neck of the woods, they wanted to do in Mr Froese's hospital in a Tory riding. I went to some of those meetings. I got to speak at one. I was very soft-spoken in my comments to the subcommittee and I sensed some support for what I had to say from the people who were there. There were several thousand there.

The impression I'm getting from these restructuring subcommittees and from the government, it's like the

mother of the soldier who, as the troops are marching past, she nudges the person beside her and says, "Look, they're all of step except my son." How can all these people be wrong, the members of the community? What's your sense of what's happening here when the government's got a clear agenda, notwithstanding Mike Harris — what was that? Rob Fisher on Focus Ontario, where Mike Harris in a pre-election bid said there were going to be no hospital shutdowns. Isn't that what he said? No hospital shutdowns. How can the public be so wrong when the government's so right?

Dr Williams: I think that hospitals have over the years become all things to all people in many ways for health care and when finances were flush, hospitals could afford to do that. As well, I think that a lot of hospitals develop their service platter with little or no consultation with anyone else in their area, both other hospitals and other health care providers, and the system has grown a lot

larger than it needs to be.

Hospitals have a very important role in health care services, and I think they're the best facility to offer acute care services. I think a lot of the other services besides acute care that hospitals offer need to be rethought and see if they could be as well or better serviced at less cost by other people in the community.

When I deal with hospitals that are looking at downsizing or potentially even closing, I think it's important to identify the services the hospital should be delivering to the community, as well as those that it will divest itself of, and ensure those services are still available in a timely and reasonable and quality way for the community. If it means delivering them outside of a hospital in the future, that's where public education needs to come into play and reassure people that they will have their services when they need them, in quality ways and accessible, that it just won't be by running to the hospital as they've typically done in the past.

Mr Kormos: I don't have a real esoteric handle on this. I just know what I see, what the people are saying, and what the government is saying and what the Premier said before the election, which leaves me with the impression that there's no mandate from the people of Ontario to shut down hospitals.

What do you think of the prospect of publicly elected hospital governance, so it's truly democratic? You know how it works now; there's a little clique. There are 150 or 200 people who pay their — I have no idea, but join the little hospital club. Then they elect incestuously from among their own membership, sort of the wannabe movers and shakers from a community. Sure, city council has somebody sitting there.

What do you think about publicly elected governance for hospitals so there's real accountability? It's one of the places where, heck, that's probably the biggest single expenditure of public funds of any institution, yet there are these little tightly held groups. What do you think of public governance of hospitals, before or after so-called restructuring?

Dr Williams: It's an interesting question. Certainly I heard the discussion debated extensively when I was on

the Public Hospitals Act steering committee back in the early part of this decade, which was unsuccessful in moving the Public Hospitals Act in any direction. I think if I sit back and reflect on school boards and compare school boards to hospital boards, there are advantages to public accountability in electing people, but I see school boards as also having people elected who are often representing single interests and not the broader community.

On the other hand, you're correct, some hospital boards become quite incestuous, although I know other communities where their membership swells to thousands and there's a huge public interest in it. I find one advantage of a non-elected board is that boards that take their jobs seriously then have the opportunity to assess the sort of skills they need on their board to make the best possible decisions. Their nominating committees then have the ability to try and recruit the right skills set to bring to the table so all skills are represented when decisions need to be made. It can work both ways.

In the future I think boards will be consolidated. If we move into integrated delivery system models, we'll be looking at larger boards that will be governing much more than a single institution. There will probably be a lot more public interest in who sits on that and how the decisions are made by that larger board.

Mr Kormos: Thank you, doctor. I've got a feeling this committee is going to support your nomination; I have no hesitation. I suppose the next time we're going to meet will be on far less pleasant ground when you and your colleagues swoop down on Niagara. So there we go; I'll see you then. Thank you kindly. I appreciate it.

Mr Douglas B. Ford (Etobicoke-Humber): I'd like to make a remark here, Dr Williams. I was affiliated with a hospital for 12 to 15 years. I see that you were chief of staff of St Mary's hospital from 1985 to 1992. I realize that in the hospitals, generally about every two or three years, they have a change of so-called management, chief of staff. I have to compliment you. You were 1985 to 1992. Then you went to chief of staff of Timmins and District Hospital in 1992 to where you are at the present time.

I look at the backgrounder and I have to commend you because you're a person who's in demand. That tells me you've taken a real look at different areas of this job and the cross-section and the knowledge you have of it is very commendable. I don't have too many questions to ask you because I look at the background and I have complete confidence in your ability. I just wanted to tell you that.

The Chair: Thank you, Mr Ford. Any other questions, comments?

Mr Bob Wood: We'll waive the balance of our time, Mr Chairman.

The Chair: Dr Williams, that concludes your appearance before the committee. We thank you for coming here this morning. Good luck.

We will now be prepared to entertain any concurrences there might be.

Mr Bob Wood: I move concurrence in the intended appointment of Mr Gardner.

The Chair: You've heard the motion. Any comments? Ready for the question? All those in favour? Opposed? Carried.

Mr Bob Wood: I move concurrence in the intended appointment of Dr Williams.

Mr Kennedy: Unfortunately, we'll be unable to support the appointment. We believe Dr Williams is an eminently qualified physician, but he comes from the same narrow mould that is in the commission currently, and we see this appointment as a perpetuation of the rationalization and the justification of what the government has been doing to the detriment of the health of Ontarians. While we wish Mr Williams well should the committee concur with the motion being put, we certainly lament the fact that the government didn't take this opportunity to widen the base of the committee to include a perspective that goes beyond obsession with the formulas we had discussed today.

Mr Kormos: I'm not going to oppose the doctor's appointment. What the hell did you expect the government to put forward by way of a proposed appointment? I understand we're not going to have diverse views represented on the restructuring committee. I understand that and I agree with the comments of Mr Ford about the doctor being outstandingly qualified.

I indicated I have no doubt that he — I got a little bit of a sense that he and I might be coming from different directions on the issue of health care restructuring. We'll lock horns when the attack begins on Niagara, not that I wouldn't lock horns in any other part of the province; I was up in Ottawa recently and you saw what's going on there with the attack on hospitals, including Montfort, the only French-language training hospital.

No, I'm not going to oppose this, because I understand what the government has in mind. Again, this doctor is eminently qualified in his own right. The government's not going to put forward people who are going to oppose their agenda.

The Chair: Any other comments on Mr Wood's motion? Are you ready for the question? All those in favour, please indicate. All those opposed? The motion is carried.

Thank you for that. Any other business?

Mr Gravelle: We called Mr Donald Hillock from the Alcohol and Gaming Commission of Ontario and apparently there has been a delay. We're requesting that the appointment be deferred until this committee has had a chance to conduct an interview, and apparently we can schedule this for April 23. I guess because of the House not sitting, we've not had as many meetings, so we would like to interview Mr Hillock and hope we can get concurrence to defer the appointment until our government agencies committee has had a chance to interview Mr Hillock.

Mr Bob Wood: Have you requested an extension of time? You're entitled to request a two-week extension of time.

The Chair: Are you asking this for April 23?

Mr Gravelle: April 23, yes. We have somebody else where we're asking for an extension of time. I think this one was deemed appointed by the full committee on February 26, so this is one that's gone beyond that. All

we're really asking is that the appointment be deferred until we have an opportunity to conduct the interview.

Mr Bob Wood: I think you should request that of the public appointments secretariat.

Mr Gravelle: That's correct.

Mr Bob Wood: I would suggest you make that request and we'll see what the response is.

The Chair: Do you want to put that in the form of a motion for the committee?

Mr Gravelle: Yes, I do.

The Chair: Why don't you do that?

Mr Gravelle: I would like to request the public appointments secretariat to defer the appointment until the committee has had a chance to conduct the interview with Mr Hillock.

The Chair: Does everyone understand the motion put by Mr Gravelle?

Mr Kormos: I support the motion.

Mr Gravelle: Thank you very much. I have one other, Mr Chair, if I could. I'm sorry. We haven't finished that.

The Chair: You'd better deal with this one. I think Mr Wood is conferring with the secretariat as we speak.

Mr Wood, you understand the motion that's put by Mr Gravelle?

Mr Bob Wood: I'd like it read again, please, Mr Chairman.

Mr Gravelle: I would like to request the secretariat to defer the appointment of Mr Donald Hillock to the Alcohol and Gaming Commission of Ontario until the committee has had an opportunity to conduct an interview, which we will try to schedule for April 23.

Mr Bob Wood: We're prepared to support that.

Mr Gravelle: Thank you.

The Chair: All those in favour? It's carried. We will attempt to schedule Mr Hillock for April 23.

Mr Gravelle: That will be great. One more quick one: Mr Robert Whitley, an appointment to the Ontario Film Development Corp. We would actually like to request a 14-day extension so that Mr Whitley can be here for April 23 as well.

Mr Bob Wood: That, of course, doesn't have to be a motion.

The Chair: No.

Mr Bob Wood: You're entitled to that under the rules. Mr Gravelle: So just unanimous consent to have a 14-day extension?

Mr Bob Wood: You don't have to have any consent. Mr Gravelle: Great. Then there's no problem at all. The Chair: No problem at all. Any other business? If not, we're adjourned until April 23.

The committee adjourned at 1051.

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Standing committee on government agencies

Intended appointments

Assemblée législative de l'Ontario

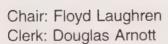
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Journal des débats (Hansard)

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Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 23 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 23 avril 1997

The committee met at 1002 in room 228.

INTENDED APPOINTMENTS

The Chair (Mr Floyd Laughren): The standing committee will come to order. We have two intended appointees to deal with. Before that, we must deal with the two reports of the subcommittee. In the first one, dated Friday, April 11, the official opposition party selected Muriel Parent, for the Health Services Restructuring Commission, and that's scheduled for April 30. That's the intended date on which we will review that appointment. For April 17, the subcommittee made no selections.

Could we have a motion to accept those two subcommittee reports.

Mr John R. Baird (Nepean): Adopted.

The Chair: Mr Baird moved they be adopted. Carried. Thank you for that.

ROBERT WHITLEY

Review of intended appointment, selected by official opposition party and by third party: Robert Whitley, intended appointee as member, Ontario Film Development Corp.

The Chair: All right, if we can move to the intended appointments, the first one is Mr Robert Whitley for the Ontario Film Development Corp. Welcome to the committee. It's tradition that if you wish to make any opening comments you may do so. You don't have to, of course, but if you do, this is the time to do it.

Mr Robert Whitley: Yes, I would. Mr Laughren, members of the committee, I'm a former teacher and a guidance counsellor, now retired. Prior to teaching, I worked for the Steel Company of Canada and for Southam Press. During my teaching career, I was vice-president of district 9 of OSSTF. I was the professional development chair for three years, member of the salary negotiating committee and the chair of the class size committee.

In my community, I was a member of the Aldershot Community Police Association, I've been a Boy Scouts leader and I represented Canada myself in Switzerland several years ago. I have coached many years in minor sports and I was the high school curling coach for 10 years. I also founded the Burlington Track and Field Club and was chairman of the Southwestern Ontario Track and Field Association. I have always been actively involved in my work and community life.

I was involved in politics as well from 1985 to 1994. My résumé shows that I have had some limited exposure to the film industry and also to that of making commercials, I am aware of some of the struggles that one must go through to put an idea to film and into production.

I believe our objectives are to encourage foreign production and to increase jobs in this sector in Ontario as well as to encourage young producers and help them obtain a foothold in the industry.

If my appointment is approved, I can assure you that I will give the board the same honest, objective commitment that I have always tried to bring to any project. Thank you.

The Chair: Thank you, Mr Whitley. Do any of the government members have any questions or comments of Mr Whitley?

Mr Baird: I think we could defer. The Chair: Okay. Official opposition.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Whitley. Did you seek out this appointment?

Mr Whitley: Yes, I did.

Mr Gravelle: I am curious. I want to talk to you a little bit more about how you see your role on the OFDC. Obviously I believe it's very important to advocate on behalf of Ontario filmmakers. I heard you say that you think one of your main roles is to encourage the making of foreign films. At what level of importance do you put the fact that you should be encouraging Ontario filmmakers themselves to get films made?

Mr Whitley: I think it's important for both aspects. As we've seen by the charts, there has been an increase in the amount of money brought in with the production of foreign films. But I also feel that with the new mandate, which is primarily service, it's important that we continue to help the young producers to get a foothold.

I believe, from my readings, that one of the things we are doing is to try and put these young producers into a conference with the people who have had a chance to be successful in the industry and to help them in that way. I also think we sent someone to Cannes this year to get his product on the international market. I understand that's what has happened so far.

Mr Gravelle: But again of course the original mandate of the OFDC, and I hope still an important mandate, is to stimulate employment and investment in Ontario by promoting Ontario residents. As you know, the Ontario film investment program, which certainly made up the bulk of the funding of OFDC, has been cut off; about 93% has been cut off in their budget. I'd like to know your thoughts on providing film investment funds to Ontario filmmakers and some of the other things they did as well. What are your thoughts on that?

Mr Whitley: Not having sat on the board, I don't know which direction is going to produce the best results.

I would be more prepared to answer that if I were on the board. After a period of time, I can see which way the results are going and answer you then. But it's always been my belief, sir, that the legislators are the ones who are elected by the people. They set the mandate and the parameters of the mandate, and it's up to the board members to follow as best they can within those parameters.

Mr Gravelle: You don't view it as your role to, in essence, advocate on behalf of the arts? You don't feel that after your appointment goes through your job is to advocate on behalf of the arts and to have an opinion that says, "I believe this works better than that." You feel that your role is to simply follow the instructions as they are laid out and not be an advocate.

Mr Whitley: No, I feel I could do both. I feel I should follow within the parameters of the mandate what is set down for us and I think there is room within that mandate to do what you are asking me to do.

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Mr Gravelle: If you look at the history of the OFDC, the film investment program clearly has been a great success in terms of getting filmmakers, many of whom are now on the world stage — such as Atom Egoyan, whose film is going to Cannes, and many other filmmakers; John Greyson, of course, who won a Gemini award for the film Lilies this past year, which was the last film that actually received investment under the OFDC. The whole question of investing in Ontario filmmakers to let them go in, this is now gone. We know that investment in Ontario films dropped by over \$30 million just last year.

It is important from the point of view of the Ontario Liberal caucus as to what your position is in terms of advocacy, because I think it's important if you're on a commission or a committee or whatever. We want to get a real sense of how you feel about advocacy, and specifically the Ontario film investment program, which I think by all measures has been a success and has brought many filmmakers to the world stage. It is important for us to get a real sense of how active a role you intend to play

in terms of advocacy.

Mr Whitley: I think investment, as far as an equity position by the government is concerned, is now not part of the mandate, if I read my material correctly. I believe the mandate is now more one of service to the industry than it is one of equity investment.

Mr Gravelle: How do you feel about that?

Mr Whitley: Not having sat on the board yet, it's hard for me to say. I believe that there is room for us to be able to advance the film industry with young producers within the parameters the government has set down. I noticed in the Toronto Star just recently that there were a couple of young producers in Toronto who were able to show their script to a backer. They raised some of their own money, and they were able to raise this \$200,000 from someone outside of the film development corporation, to sponsor them to go into production and to do post-production work. I think if there's good material around there will always be an investor somewhere, if he knows what the script is and where it's going, to maybe get involved with the young producer, rather than the government taking the equity position.

Mr Gravelle: I think if you talked to a lot of the filmmakers who have gotten their help through the OFDC, they might not agree with you. Indeed, the film investment program has been a crucial element in terms of the OFDC.

I'm going to let my colleague ask a question here too. Mr Rick Bartolucci (Sudbury): Mr Whitley, you said that you had some political involvement between 1985 and 1994?

Mr Whitley: Yes, sir.

Mr Bartolucci: Would you elaborate a little bit on hat?

Mr Whitley: Yes. I was a member of the executive for the PCPO during those years, from 1990 to 1994. Prior to that I was involved with one of the candidates as his campaign manager and sat on his executive.

Mr Bartolucci: Who was that?

Mr Whitley: Mr Jackson.

Mr Bartolucci: Did he suggest that you apply for this position?

Mr Whitley: No, he did not. It was my suggestion.

Mr Bartolucci: Is this the only position you applied for?

Mr Whitley: Yes, sir.

Mr Bartolucci: Could you give us a little bit of background with regard to your experience in the film industry and video work, just to try to convince this committee that you are indeed qualified for the position, the only position you applied for?

Mr Whitley: Right. If I can just say a word before I go into that point, I feel there's a broad community involvement necessary on the board. Even if I have not had the experience that some people might have had in the film industry, I still feel I can help the board by

bringing another perspective.

But to get back to your original question, I helped to produce two films in Hollywood when I was a little younger and spent a lot of my own personal money to try and do that. The films never reached the screen, so I know the agony that comes without having enough money behind you to get your product on the market. I can sympathize with the opinion that was just expressed a few minutes ago by your colleague, but I think we have to get outside investment interested in investing with the young producers as well as the government taking an equity position.

If the government in the future feels that the economic situation of our province is such that we can go back to this, I'm sure if they legislate that, the board would be only too happy to bring it back into being. But that's not for us to say; that's for the legislators to make that decision and for the board to carry out their wishes.

Mr Bartolucci: Do you feel, though, that a part of your mandate is to make recommendations to legislators?

Mr Whitley: Yes, to the Minister of Citizenship, Culture and Recreation. As a board, if we think some things should be done, I think suggestions should go forward to her. If we don't, I don't think we're doing our duty.

Mr Bartolucci: I'll turn it back over to my colleague. Mr Gravelle: I guess what concerns me, Mr Whitley, is that even in terms of the economic argument it's been

proven statistically time and time again that the film investment that's put in by the government in Ontario is returned \$8.30 per dollar in terms of the employment and jobs. So the economic argument is a strange one. What it ties into is whether you believe we should be promoting the vision of Ontario filmmakers, whether you believe in the cultural sector as being important, whether you believe it's important to let that vision be shown.

In order to encourage that, the film investment program has been a grand success. I believe a member of the OFDC should be someone who feels strongly about that, and I must admit I don't feel you've been as strongly prepared for this in terms of that history of what the OFDC has done in the film investment program. That concerns me.

Mr Whitley: I have read the reports. I know how much money it brought forward. But I don't think it's my duty to get a position on the board and to start making suggestions that we go back to that policy. Until the government decides that is to be reinstated, all we can do is show what has happened, how the new mandate is working, and then it will make the decision as to which way the board should go.

The Chair: I'm sorry, that's time up for the official

opposition. The third party.

Mr Tony Silipo (Dovercourt): Good morning, Mr Whitley. One of the questions that I usually ask I won't have to ask this morning because it's been dealt with, and

that's in terms of your political affiliation.

I want, however, to delve a little bit more into this discussion that you're having with my Liberal colleagues around your role in the corporation and particularly this whole question of advocacy versus servicing, as I think you've put it. I would just like to hear from you what exactly you see your role being as a member of the Ontario Film Development Corp. What is it you see yourself doing as a member of that body?

Mr Whitley: I see myself as being one of eight or nine members, I see myself listening to what the corporation is bringing forward as its recommendations, and then as board members it would be up to us to advise and to let the people in the commission know whether or not we think that's the proper way to go with that aspect of

the mandate.

Mr Silipo: We've talked a little bit already about what's happened to investment or spending in Ontario for film and TV production in the last number of years. We know that overall the amount — at least up to 1996, because we obviously don't have 1997 figures yet - has increased, but there is what I would call a bit of a disturbing trend when you look at the Canadian and American split between that. I presume you have this material. Obviously, all of us presumably would be happy about the fact that there is an increase in spending overall, and certainly with respect to American productions here. But it bothers me, and I wonder whether it bothers you, that when you look at the Canadian side of that equation and you look at the figures that we have in front of us, it's gone down, from 1994 to 1996, from \$359 million to \$277 million. Does that kind of trend bother you?

Mr Whitley: It bothers me in that I would like to see it higher, naturally. But with what the economic situation in the province has been over the last couple of years, I think there has been a slight pullback probably in the equity position of Canadians' involvement. I'm not sure, but does this reflect also the government's withdrawal of the equity situation as well, which might make the difference?

1020

Mr Silipo: That was one of the points I wanted to also pursue. Obviously at this point, we could draw some conclusions — some people might argue that they may be premature — to say that one potential link certainly is to the drop in government funding that's been mentioned before, because 1995-96 is when we saw the first big drop of almost — well, not halving, but at some point during the fiscal year the government froze the funding. It's been noted already that the amount that was being spent by the government was generating between \$8 and \$10 in overall terms.

That's something I'd want to pursue. If over the next couple of years — you're a member of this corporation — you see that the trend doesn't get any better, you have information that indicates to you that it really has more than something to do with the way in which the funding is set up and with the withdrawal of government funding, what's your response to that situation as a

member of the corporation?

Mr Whitley: That's a lot of speculation in the future. Mr Silipo: Is it speculation? Let's start from step one then: Do you draw any link between the drop in government funding and the drop in investment on the Canadian

side of film production?

Mr Whitley: I wish I could answer your question intelligently, sir, but without seeing the actual figures — I haven't access to those — all I can do is speculate that yes, that is correct, maybe the drop is due to that. But I also see an increase in the American production, which also helps to increase jobs here in the province, in our post-production crews and the people who service the industry etc. This money in film and TV location production, the one is up and the other is down, but the industry itself is still getting revenue to keep it going. Are we upset that the Canadian money is not being poured back into the corporation, that it's going down, or are we more concerned with the overall money that's coming in to the province for film production? I think we have to separate that. What is it that we're concerned with?

Mr Silipo: That's what I'm asking you: What is it that we're concerned with? Are you not concerned — to obviously give you my position on this — that Canadian production is going down? If that's a trend that continues,

does that not bother you?

Mr Whitley: I guess we'd have to look at that as a board and see if we cannot find other means of trying to get investment with the young producers rather than the government equity. I heard Norman Jewison speaking with Peter Gzowski on Monday, and from what I can gather, his concern is that everything has to do with the wallet as far as film production is concerned and that what we need is to be able to get the banks and other institutions involved in financing productions here in Ontario and Canada as a whole. That has not happened.

Apparently, the banks are not as eager to do that as they are in other countries. Maybe there's a direction that the board has to take to try and make the financial institutions knowledgeable of the fact that money can be made by encouraging and helping Canadian film producers get off the ground. If that is so — and if that is something that in a discussion with the board we find is a viable way to attack the government's eliminating their equity position, to go to other sources to try and find it now — then I think that's a direction we should be taking.

The Chair: Do government members wish to ask

questions?

Mr Baird: Perhaps just maybe one comment and then a question. Obviously in the past you've seen a conversion from the equity-type positions to a tax credit system that would see approximately \$15 million put into the Ontario film industry, which is obviously a different public policy approach to ensuring that we attract those jobs and investment into the Ontario film industry, which is obviously a crucial part not just of the provincial economy but particularly the city of Toronto.

I wanted to raise one point with you with respect to your background. What sort of perspective do you think you could bring to the corporation? You mentioned — and it's obvious from the materials here — you have some background in terms of film production, where you've been involved as an independent producer, and you mentioned you certainly would share the experiences that many have shared in terms of not getting it to the

screen.

What sort of perspective do you think you bring to the corporation with your work in the teaching profession, your work as a teachers' union official and your experience in the community, whether it's with children's

groups or sports groups?

Mr Whitley: I think that I can bring to the board some people skills. I have been used to working with people and with problems, and I think that with the skills I have gained over the many years of working within that context I can work with other people on the committee. Whatever problems are put forward, I think that I have some organization skills and some common sense, that I can help to work out any suggestions or problems that may come forward. I feel my background is varied enough that I have those skills to offer and to bring a broader perspective of community to the board.

The Chair: Any further questions? If not, Mr Whitley, that completes the process this morning. We appreciate your attendance here. You're welcome to stay; we vote on your appointment later on. We appreciate your coming

before the committee this morning.

HARRI JANSSON

Review of intended appointment, selected by official opposition party and by third party: Harri Jansson, intended appointee as member, Health Services Restructuring Commission.

The Chair: The next intended appointment is Mr Harri Jansson, to the Health Services Restructuring Commission. Welcome to the committee this morning. There's

not a member on this committee who's not aware of the work of the Health Services Restructuring Commission, so we know a little bit about what you're about to be doing. We appreciate your presence here, and if you've any opening comments, now is the time to make them.

Mr Harri Jansson: Thank you. Mr Chairman, committee members, I'm pleased to be here today to discuss with you the possibility of my appointment to the Health Services Restructuring Commission. If you'll permit me, I'd like to take a few minutes to review with you my background. I'm an immigrant to Canada, having arrived in Toronto in 1969 from Finland. My father was a senior civil servant in the United Nations and as such, much of my youth was spent living in the US, Europe and the Middle East. I was graduated from the State University of New York with a BA in 1967.

I am currently executive vice-president for the Bank of Montreal and the senior line banker in the personal and commercial financial services group. My primary responsibility is the personal and commercial business conducted in our 315 branches in Toronto and central, eastern and northern Ontario.

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While I don't pretend to be an expert in the health services field, I have had some experience working with hospitals. While in Winnipeg I served on the board of trustees for the St Boniface General Hospital and the St Boniface General Hospital Research Foundation. My four years with these two organizations was both interesting and enjoyable. While assigned to run the bank's BC division, I was chair of the Vancouver General Hospital Foundation and worked fairly closely with the hospital's CEO. Here in Toronto, I served for one year on the Sunnybrook hospital foundation.

I'm looking forward to working with the HSRC and I'm keenly interested in the restructuring of health services in this province. I feel that my business background could perhaps add to the work that still needs to

be done.

The Chair: Thank you, Mr Jansson. We'll start the questioning with the official opposition. Mr Kennedy.

Mr Gerard Kennedy (York South): First, Mr Jansson, I'd like to commend you on your public-spirited interest in serving on the commission. As you know, the commission has had a little bit of controversy along the way in the conduct of its prescribed duties on behalf of the government. I wonder if you could tell me a bit about what you see as the future for hospitals with respect to health care in this province. Do you have an outlook on that? How do you see them developing, or is that something that you'll be developing in your role?

Mr Jansson: Probably both, sir. I see health services delivery in the province being more focused, more fiscally responsible and changing with the needs of the population. I have had a keen interest in what's going on. I've been reading the papers and I've had copies of several of the reports that the commission has presented. I believe the work they're doing is headed in the right direction and I think this province will be a better place

for health care in the future.

Mr Kennedy: Are you concerned, as the OHA and even some of your prospective colleagues have expressed,

that many of the hospitals in this province have been affected already by random cuts in the order of \$800 million to date, which doesn't fall directly under the rubric of restructuring but rather is just money that's been yanked out of the system? What's your feeling about how that meshes with the mandate that you're proposing to

help undertake?

Mr Jansson: This is ever a complex issue, which I'm sure you're aware of. There has been some \$800 million reinvested in the health care services industry in Ontario by the provincial government in the last year or so. So, in my view anyway, it hasn't just been a pull-out of \$800 million; it has been reinvested in specific areas, a lot of which have been recommended by the local district health commissions. The restructuring is a painful process and people are going to lose jobs. Hopefully those jobs that have been eliminated have been eliminated with a view as to what the future is going to look like.

Mr Kennedy: Sorry to interrupt, but on the one point, you're not concerned that there have been cuts made randomly in the sense that 210 hospitals have had to come to terms with how to do the layoffs and so on without the overall restructuring? You don't see a conflict between those two processes, the cuts on the one hand and a restructuring process on the other, the premise of which is that you can rearrange things in the system? Do

you see a conflict there?

Mr Jansson: I could see a potential conflict, but let me give you my view on it as a businessperson. If we were restructuring the organization I work in, I would expect, that in the normal course of business, at each location we would look at our business and make decisions on what's best for that location. The restructuring will look at the broader picture and look at our distribution.

If you look at health care, the number of beds available to the public has come down quite considerably as a result of action hospitals have taken themselves. That necessarily hasn't followed, in my preliminary view anyway, with the necessary reduction in expenses. So some of the cuts that have taken place have been necessary as those jobs are not needed any longer. That's a very broad statement. I don't have a lot of specifics on it.

Mr Kennedy: And it is, I think you might be aware, a controversial statement.

Mr Jansson: Sure.

Mr Kennedy: There has been at least some good evidence of reductions in standards that have accompanied the previous cuts, let alone the present ones. I'll leave the point because I don't think it's possible to be directly addressed.

Just to your point of reinvestment, as a business person, would you say a reinvestment occurs when the money is actually spent or when there is an indication that the money might be spent? Which would you

consider a reinvestment?

Mr Jansson: Ultimately, when the money is spent, but

Mr Kennedy: Right. Just for your information, there certainly has been \$800 million withdrawn from the system. There is documentable only about \$220 million that's actually been reinvested. There are announcements

that aggregate to a larger number, but we're now on, in some cases, the third time that certain moneys have been reannounced in the system. How vital do you think it is that the exercise you will embark on, should you be approved, save money and how important do you think it is that it have the ability to reinvest the money where it can do, presumably, more good in the system? How do you see the objectives of the commission in this regard?

Mr Jansson: I think one of the objectives of the commission is to eliminate waste, so if that means there is money saved, that's fine. But as I understand the mandate of the commission, that is only one of its objectives. Among the other objectives is to provide viable, decent health care for the citizens of Ontario, and in some cases that's going to mean significant reinvestment to bring the programs up to date, the modern technology and so forth. To save money, to eliminate waste is only one of the objectives.

Mr Kennedy: To your knowledge today, and I appreciate it will change as and if you get involved with this, do you see the commission mainly consolidating empty beds or do you see it making other substantive

changes?

Mr Jansson: No, I don't think it's a matter of consolidating empty beds. I think it's a matter of looking at the demographics of the region and determining what is the best way to deliver to it specific health care, whether it be prenatal or orthopaedic or psychiatric, what is the best delivery vehicle in that region for that population.

Mr Kennedy: What do you think about the quicker and sicker methodology, the idea that people in general can leave hospitals quicker and sicker and that will work efficaciously? You realize that as many as two thirds of the beds that we're talking about eliminating so far by your colleagues' decisions are beds that currently have patients in them, and this is after a decade of downsizing. Do you have a view of that specific part of the efficiencies?

Mr Jansson: I have some personal experience. In 1987, I had a hip replacement and was in the hospital for 16 days. In 1992, I had that same hip replaced again and I was in the hospital six days. I can tell you that I got better quicker on the second occasion than on the first occasion.

Mr Kennedy: Coming back to the reinvestment though, did you find yourself facing any care in the community, or was it necessary in your case, and do you recognize the threshold the system is approaching now where if you're out sicker, quicker, you're not necessarily getting the support you require there? How do you feel being part of a commission that doesn't have the power to provide the corollary support, that is able to make directions on the one hand to cut hospital expenditure and on the other hand is only able to make recommendations around the community reinvestment that might actually make some of those transitions possible?

Mr Jansson: That's a bit of a dilemma. Going back to my own personal experience, instead of getting the help in the hospital, I got it outside the hospital on my time, and that was the physical therapy. So I think it depends on the kind of support that is available in the community to help the patients once they're out of the hospital. I'm sure that is something the commission needs to look at.

Mr Kennedy: One question I'd like to get a clearer answer on: Do you see the commission's mandate is to save money for the health care system? Do you see that as its mandate?

Mr Jansson: Part of its mandate is to eliminate waste. If that means saving money, I would say yes, but that clearly is not the prime mandate of the commission.

Mr Kennedy: How do you reconcile that the government is already ahead of you, having made deliberations for the remaining hospitals that you might participate in? It's already demanded an 18% cut, prejudging what you might find. Many of us on the outside are trying to make sense of that. You're heading for the inside. How do you think you can reconcile that?

Mr Jansson: I don't think you take the 18% cut and say, "We're going to get 4% out of eastern Ontario and 12% out of Toronto," so there's a global number that you work with in Toronto and say, "Once we're done, we're going to lop \$500 million out of the health services industry in Toronto." The commission's approach, as I understand it, has been, "Let's have a look at where we are in providing health care in" — let's say Toronto, for example. "What works best and how do we bring it up to the 21st century in terms of state-of-the-art delivery?"

Ultimately, some of that probably will free up some dollars as we consolidate the number of hospitals. Instead of having every hospital be everything to everybody, we're going to have specific hospitals that are going to have world-class expertise in certain areas. I think the general feeling is that this is going to eliminate some waste and perform for the population in a better way. 1040

Mr Kennedy: What's your view of small towns that have single hospitals that, when you take the slide-rule formulas, may not be as efficacious but they have other implications: They're social, they're economic, they could be the largest employer in a town, they could be isolated from other areas. That's a policy you're going to have to come to deal with fairly shortly. Do you have predetermined views on that? What is your view of that as it fits with some of what you've already told us about finding waste in the system and so on?

Mr Jansson: As I understand it, again from a pretty preliminary view, there are some hospitals in smaller towns in Ontario that operate very efficiently and provide good health care. There are other hospitals that don't, and I see it as the role of the commission to review what those hospitals do and how they perform and how efficient they are and make recommendations for those hospitals to perform better, whether it's fiscally or delivering health care.

Mr Kennedy: Could you see a situation —

The Chair: Sorry, Mr Kennedy, the allotted time has expired. Mr Silipo.

Mr Silipo: Mr Jansson, just to continue on this discussion, obviously, given your background, you would bring to the commission a fair amount of business expertise, and in some ways that's almost what bothers me. It seems to me that if there's one overall worry that I have about the way in which the commission has functioned so far it is that it has made its decisions more on a business ledger type of approach than about what necessarily is best for the health care services of any

particular community. So I guess I want to hear some more from you about that aspect of the job that the commission is charged with carrying out and how we balance out.

Certainly I wouldn't argue about the need to look at our health care system, as we have been doing in fact for some time, even prior to the existence of this government, at how we could spend the dollars that we are spending better. I don't have an argument at all, in fact I'm very supportive of that direction, but I do have a strong argument with what I've seen go on in the last year or so, particularly where we have hospitals just reeling from the kind of cuts that have come about.

I haven't seen the \$800 million in investment that you've talked about. I know the commission has made various recommendations that I think total up to that effect, but the way I look at the numbers, we haven't seen the government commit to that kind of reinvestment at this point in time. That concerns me because I still am not able to reconcile the government's stated position that it doesn't want to cut the health care budget with the actions that it has taken, which seem to me to support the very opposite, that they are cutting funding to hospitals and to other aspects of the health care system. I guess I need to hear from you a little bit more about how you see, as a member of the commission, reconciling those two differences.

Mr Jansson: When I was in Vancouver, British Columbia went through a very similar exercise. There were, I believe, two hospitals in Vancouver that were shut down and amalgamated with Vancouver General Hospital, and it was a pretty emotional affair because a whole bunch of people lost their jobs and careers. Sitting down and talking to the people who deliver the health care in the city of Vancouver, I had a long conversation with my surgeon, who was the head of orthopaedics. I said, "Bob, tell me why this is good or not good." I didn't have an axe to grind one way or the other. He said: "Quite frankly, the two hospitals that were closed into ours had departments that were doing exactly the same things as us, so the dollars were being spread too thin." He said: "We are falling behind in terms of reinvesting in technology because the dollars are spread too thin. By consolidating, we can spend the dollars far more wisely."

I believe that's what's going on in Ontario. Just looking at some of the reports, pretty well what was recommended by the Metropolitan Toronto District Health Council has been what been what has been agreed to and recommended by the Health Services Restructuring Commission, and that body was certainly different in makeup than the health services commission. They prepared a very in-depth report; I believe it was 1994. The health services commission has reviewed it and I'd say 85% to 90% of what they recommended has been agreed to.

Mr Silipo: There are some key differences. I can tell you of one in the west end of Metro that you may be aware of, which is the Doctors' Hospital, as one example where the commission has gone contrary to a couple of particular recommendations that were at the heart of the district health council, and that is that while they both recommended moving the hospital to the western wing of

the Toronto Hospital, the district health council had supported the wish of the community to have the hospital remain intact because it was providing a particular service and the way in which it was providing it was seen to be different from the kind of expertise the Toronto Hospital has. So there is one example where the commission is doing something very different.

Again, that's obviously an issue that we'll have to wait and see what the commission — depending, I guess, on how quickly you get on side, you will have something to say about what the commission actually decides on that. I guess I'm putting in a plug for you to take a look at that, because I think the district health council, with the flaws in its process, came closer to understanding the local community concerns than it seems to me the commission has, at least judging it from the perspective that I've seen it here in Metropolitan Toronto.

I guess that's something else that I just also want to ask you about; that is, at the end of the day, how do we make these decisions in the most sensible way? Again, the government, in setting up the commission, has wanted to establish this arm's-length body, as if it had no responsibility, or wanted to have no responsibility, for the decisions at the end of the day. Do you really see that that's the way it's happening? Is it the role of the commission or should it be the role of the commission to be making these decisions, or is that really just a front, in effect, at the end of the day and we should just all acknowledge and accept that it's the government that's making these decisions, directly or indirectly?

Mr Jansson: That's difficult for me to answer, sitting where I am today, because I have not been a part of the commission. As I understand it, their mandate is not to have to refer to the Minister of Health and the govern-

ment on the decisions they have made.

I can tell you that I have been very impressed with the people I have met in the commission, ie, the hired people, in terms of their understanding of the health business. They don't take it lightly. When they are sitting down with local communities and committees and hospitals and reviewing the delivery of health services in that region, they understand what's going on from both sides of the table because they have worked running hospitals and/or are doctors or have run departments. I don't have that indepth understanding. I have more of a business understanding.

But back to what you're getting at, I believe and I have been told that the commission is independent of the government, and I believe that's the way it should go. If I could draw a parallel in my business, I have a lending limit which I make decisions on in my area of influence. If I were to get a call one day to say that the chairman had decided to lend, on his own hook, to one of my customers and I disagreed, I guess that's where I would come apart with my employer. I take my responsibilities seriously. They have been handed down to me to carry out my mandate, and if somebody is going to overrule it, I'm going to have some difficulty.

Mr Silipo: Again, I certainly don't question the merits of individuals who are sitting on the commission. We've seen already examples where the government has intervened, as I think they should. I think at the end of the day it is the government's responsibility to take responsi-

bility for the decisions. They can rely as much as they want on any group of advisers to do the bulk of the work, but at the end of the day these are political decisions and no one should pretend otherwise.

One last question on the whole approach, and that is, when you look at the business case for deciding whether a particular hospital should close its doors or be folded into another or whatever should happen to it, if it can be shown that the savings that come don't come so much from actually closing the building but rather from looking at how you eliminate duplication of services, so that you look at how you make changes in terms of what one hospital does versus another, and I refer back — you may have seen a few weeks ago that the Toronto Star did a bit of an analysis that indicated, looking at the Toronto situation, that the bulk of the savings would not come from the actual closing of the hospitals, it would come from a number of the other recommended changes. And yet the closing of the actual hospital in some communities is what's causing a real heartache, a real hardship.

Is that not something the commission ought to take a look at as well, in terms of how it goes about making those decisions and giving a fair amount of weight to the kind of sense that the hospital as an institution has in various communities?

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Mr Jansson: I believe they do. Again, I'm sitting here now not as a part of the commission, but I have spent some time with members of the commission talking about what work they have done and what analysis they have made. What do you do when you go into a Chatham or a Kingston? How do you determine who does what? My understanding so far is that their approach, quite frankly, has not been: "We're going to go to this locale. We see there are four hospitals there. When we walk out, there's only going to be one." They go in with an open mind. Probably 50% of the time they can see automatically, at 30,000 feet, that what we had there 20 years ago isn't what we need today. Maybe it's not four, maybe it's two, and an alternative delivery system.

There are going to be hospitals closed because they don't serve the function they used to today. That's going to be hard to take, and the closer you are to that hospital, the tougher it's going to be for you, because, "It's my hospital," and there's tons of anecdotal evidence. But I don't believe the mandate of the commission is to go around and look for ways to close hospitals; I believe the mandate of the commission is to find out how to deliver

the best health care for the buck today.

Mr Silipo: One last question —
The Chair: I'm sorry, time's up. Do the government members have any questions or comments? Mr Newman.

Mr Dan Newman (Scarborough Centre): Good morning, Mr Jansson, and welcome to the committee. I was pleased that you mentioned in your answer to one of the opposition members about your hip surgery and the fact that technology has changed even in that short time. Things like hip replacement surgery, cataract surgery and gall bladder surgery have all changed and greatly impacted on the hospital stay, the length of time people are staying in hospital, so I was pleased that you were able to note that.

You have an impressive CV, from reading through it. You're obviously a professional in the financial services industry. I was impressed that you've been on the Sunnybrook hospital foundation, the Vancouver General Hospital Foundation, and also a director of the St Boniface General Hospital. You have an obvious interest in the community and in health care. How has your professional experience assisted you in the past with these health-related organizations and, more important, how will it assist you should you be successful in your appointment to the Health Services Restructuring Commission?

Mr Jansson: A lot of the work that I have done with hospitals has been on the foundation side. That's the arm that raises the money from the public. It's kind of interesting, because in Vancouver, sitting on the board of our foundation was the president of the hospital, who came from Sunnybrook. Vancouver General Hospital is one of the largest hospitals in Canada, probably the largest now with the amalgamation. He would come to us and say: "This is where we need the money. Give us a tab at the end of the day." Then we'd have to go out to the public to raise it. It was all public funds.

To understand where he needed the money, part of the program we instituted was that every member of that foundation needed to spend a day in the hospital, touring. So we put on surgical masks and gowns and walked through surgery and operations, watched where money was being spent, and quite frankly came back to the CEO and said: "Why do you have so many people here cleaning those floors? Have you thought about contract-

ing it out?"

That hospital goes through about \$300,000 a day; a huge operation. So working with the CEO and raising the funds that hospital spent made us acutely aware, in some instances, not necessarily at that hospital, of waste that was going on and the difficult job the CEO had in

balancing the priorities.

When I was in Winnipeg, I probably spent a day and a half a week at the hospital, meeting with doctors, being the head of the audit committee for the hospital, working with the accountants and looking at the fiscal structure, but also talking to the doctors about what kind of money they needed for what kind of research. I think that gives me some background that might help in serving on the commission.

Mr Newman: I appreciate that. I think the opposition have tried to draw you as the business side of things on the commission. I want to put on the record that the commission is headed by Dr Duncan Sinclair, who is the former dean of medicine at Queen's University. We had an impressive doctor from Timmins, Dr Williams, I think, appear here a few weeks ago. There are lots of people on the commission with health-related backgrounds, people like Donald Thornton from the Oshawa General Hospital; Daniel Ross from the Victoria Hospital in London, Ontario; Maureen Law, who's a former federal health bureaucrat at Health and Welfare and was with the World Health Organization; and also Shelley Jamieson from the nursing home association. I think it's important that we have a real mixture or cross-section of society on that. Having health care plus the business side I think is vitally

important, so I'm very pleased to see that you have put your name forward for that.

My last question would be, will your employer — Matthew Barrett and Tony Comper and the Bank of Montreal — make adequate time available for you to serve on this?

Mr Jansson: When I posed that question, they said, "You decide, Harri." They are fully aware that I have been asked and I'm appearing here today. Basically they say: "You've got a job to do around here, so if you feel you've got time to serve someplace else, make sure job comes first and you're prepared to put in your own hours." When I look at this, I'd say at least 50% of the hours that I'll be spending will be my time.

Mr Newman: I appreciate you coming before the committee. I think on behalf of all government members,

we will be supporting your appointment.

Mr Douglas B. Ford (Etobicoke-Humber): It's a pleasure to see you here this morning. I'm one of those types who believes that when you're working with large institutions like hospitals or libraries or school boards, there has to be somebody watching the financial end of it. I've been involved in hospitals for a number of years. There always has to be somebody looking at the financial aspect of it, because in the hospital situation, as you're probably very aware, the MAC will keep you informed of the needs of the hospital itself. The peripheral areas of the hospital, other than the medical service and all that type of thing, are the administration of the hospital employees not there for the health aspect of the hospital, not being in the medical profession. These are the things you have to keep an eye on. You're probably very aware of that

I'll give you a simple analysis so you understand where I was coming from. I was in the hospital there for about 12 years and I was on the finance end of it. I looked at a simple thing like the usage of garbage bags. We were using 250,000, as an example, one year, and two years later we're using something like 750,000 but we had fewer patients. That was one aspect I looked at. Consequently, the bags must have been walking out of the hospital by themselves.

I brought that to the attention of the maintenance supervisor. There were a number of other things, so I had a long list of them. I had them in and talked to them quite nicely. They were telling me they didn't really know what happened to all these different areas, and I said, "Well, I think you'd better find out." Then we had to bring a consultant in, like you were mentioning, from the outside and they were astounded at the usage of maintenance materials, cleaning materials and all this type of thing. So we had a rearrangement there, and that's only one aspect.

I agree with my colleague across the floor saying that it's not just the financial end of the hospital, but the MAC always keeps you advised on a weekly basis of

what the medical needs are in the hospital.

I have to commend you for your backgrounder. I was just going to ask you the same questions as my colleague. I thought you might have been semiretired or retired, that's all.

Mr Jansson: Not yet.

Mr Ford: Okay. One other question I had marked down here: Are you a Canadian citizen?

Mr Jansson: Yes, I am.

Mr Ford: Excellent. Okay, that's it.

The Chair: Thank you, Mr Ford. I'm glad that you wrapped up the government members' questions and comments.

Mr Baird: You're glad he wrapped up?

The Chair: I'm glad you got that. I appreciate that. Mr Jansson, thank you very much for appearing before the committee this morning.

The next item of business, as a matter of fact, is voting on the concurrence or non-concurrence of these appointments. I would entertain a motion in that regard.

Mr Baird: I would move concurrence on the appoint-

ment of Robert Whitley.

The Chair: Dealing with Mr Whitley's appointment,

anybody wish to speak to that?

Mr Gravelle: I will be voting against the appointment of Mr Whitley to the OFDC, in essence because I think Mr Whitley clearly does not view it as a priority that we support the making of films by Ontario filmmakers, which indeed was the original mandate of the OFDC. I think it's become clear to all of us, with the loss of government support, that it's important to have advocates on the board.

I don't think it probably is necessary for the government to continually appoint people to their boards and commissions who are simply going to say, "We will simply follow the rules that are out there and we'll see what happens." I feel that Mr Whitley made it very, very clear, even in his opening comments, that he felt the priority was more to encourage foreign filmmakers working in Ontario. As much as that is something that we think is very important as well, the mandate of the OFDC has been to encourage and promote the making of films by Ontario filmmakers.

The history of this province has been that this program and the investment fund has helped a great deal in terms of bringing some prominent filmmakers to the fore and in terms of getting our vision heard. I don't agree that the tax credit will replace that. I'm sure Mr Whitley is a fine gentleman and is keen to do so, but I was disappointed in his responses and therefore I'll be voting against it.

The Chair: Any other comments on Mr Baird's motion? Are you ready for the question? All those in favour of Mr Baird's concurrence motion? All those opposed? The motion is carried.

Next concurrence.

Mr Newman: I move concurrence in the appointment of Mr Harri Jansson.

The Chair: Anybody wish to speak to Mr Newman's motion?

Mr Gravelle: Mr Jansson is clearly intelligent, thoughtful, a man of great experience, and I think his responses were all based on his belief that he can certainly do a good job in terms of this particular position. It's important that I say that he in so many ways does appear to be a person who will take this very, very seriously, so I want to make it clear that although we will not be supporting Mr Jansson's appointment, it truly isn't for personal reasons or in terms of any of the remarks.

The fact is that with the few number of positions available on the restructuring commission, I think it's important to probably try and find room for people who've got a better sense perhaps of some of the community-based issues, some of the issues in the smaller communities. I do think that's important. One of the issues that was brought out very clearly was the question of the commission's right to make decisions in terms of closing hospitals but not their right to determine just exactly what the community reinvestment will be.

We would certainly encourage the government to look at making appointments to the commission that perhaps do not reflect so much a large urban context but also have some room there for people who have experience in the smaller communities, the more remote communities. So on the basis that we believe that with the few number of positions available there should be a change in the focus in terms of who is appointed, I will not be supporting Mr Jansson's appointment.

The Chair: Any further comments on Mr Newman's

motion?

Mr Baird: I just want to get on the record that I think the people of Ontario should be tremendously well served by this individual and be very pleased that he's been willing to put forward his tremendous amount of experience and skill set to what is a very challenging file and that we should be very pleased that he would agree to accept such an appointment.

The Chair: Are you ready for the question? All those in favour? Opposed? Mr Newman's motion is carried. That confirms the appointments of both Mr Whitley and

Mr Jansson

That completes the business for the morning. I thank the members of the committee. We are adjourned until next Wednesday.

The committee adjourned at 1103.

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Mr Gerard Kennedy (York South L)

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Staff / Personnel: Mr David Pond, research officer, Legislative Research Service





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First Session, 36th Parliament

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Wednesday 30 April 1997

Standing committee on government agencies

Intended appointment

Assemblée législative de l'Ontario

Première session, 36e législature

Journal des débats (Hansard)

Mercredi 30 avril 1997

Comité permanent des organismes gouvernementaux

Nomination prévue

Chair: Floyd Laughren Clerk: Douglas Arnott Président : Floyd Laughren Greffière : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON **GOVERNMENT AGENCIES**

Wednesday 30 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 30 avril 1997

The committee met at 1003 in room 228.

INTENDED APPOINTMENT

The Chair (Mr Floyd Laughren): The standing committee will come to order. The first order of business is the subcommittee report dated last week, April 24. There were no selections made by any of the parties. Is it understood then that if that's the case, there's no need for a meeting next Wednesday? If there are no selections, I don't know why we would meet. All we need is a motion.

Mr John R. Baird (Nepean): So moved.

The Chair: It's been moved to accept the subcommittee report. Ready for the question? All in favour? That's carried. Thank you for that.

MURIEL PARENT

Review of intended appointment, selected by official opposition party: Muriel Parent, intended appointee as member, Health Services Restructuring Commission.

The Chair: The one item has to do with the intended appointment of Muriel Parent to the Health Services Restructuring Commission. We welcome you to the committee this morning. The process is that you have an opportunity, if you wish, to make any opening comments and then to be asked any questions by members of the committee. The third party indicated to me that they would not be here this morning and encouraged us to just proceed. Did you wish to make any opening remarks?

Ms Muriel Parent: Monsieur le Président, membres du conseil de nomination, I'd like to tell you a little bit about myself. I am a graduate of Laurentian University, majoring in psychology. I am also a certified teacher, from McMaster University. I received my AMCTO accreditation. I am from a small town or village in northern Ontario, Val Rita, where I am the CEO of three family businesses.

Throughout more than two decades now I have been working on various committees and boards at various levels, be it local or district. Examples: A board of a home for the aged, children's aid societies, Community Living, hospital boards, as a director or in an executive position.

What I would be bringing to the commission, if you see fit to appoint me, would not be clinical expertise but what I would call people expertise, and by this I mean that I would be able to relate to the other commissioners the views of different stakeholders, the views of northern Ontario residents, the views of francophones and the views of women.

I was for many years reeve of two small communities up north, and by being reeve I've learned to listen, I've learned to analyse and I've learned that sometimes you have to compromise for the betterment of the two communities, which from time to time did not always agree.

If you see fit to appoint me to be a member of this commission, I would be very honoured and I would really, like I said before, give to the other members the point of view of a woman, a northerner and a francophone. Merci.

The Chair: Are we ready for the questions? Mr Baird? Mr Baird: We would defer to the official opposition.

Mr Gravelle: Good morning, Ms Parent. The members of the government party will remember that we had a previous appointee to the restructuring commission come forward and the official opposition was concerned because we felt that there was not enough representation from small communities and from northern communities, so I'm very glad to see you here and I look forward to having a chance to ask you a few questions. Val Rita's near Hearst, is it not?

Ms Parent: It's 55 miles east of Hearst.

Mr Gravelle: Right. Near Kapuskasing as well then?

Ms Parent: Very near Kapuskasing.

Mr Gravelle: May I ask you how you came to have your name forwarded as an appointee to the restructuring commission? Did you seek it out yourself or did somebody approach you?

Ms Parent: I had heard about it. Somebody approached me, asking me if I'd like to give my name, and if so, to send my CV, which I did.

Mr Gravelle: What was it that made you decide to put your name forward for the Health Services Restructuring Commission? I'm curious as to your feelings about the commission. There are, as you know, very strong feelings about the commission itself, so I would love to have your thoughts. It's not going to be an easy appointment, nor an easy job. So why specifically this particular commission?

Ms Parent: Because I think that my professional, academic and community experiences will make me able to relate to every commissioner, as I previously said, the views and the worries of people from up north, of

francophones and of women.

Mr Gravelle: Do you then agree that the restructuring commission is something that needed to be put in place? A commission that is officially, as at least is the government's position, at arm's length from the government itself, do you feel that a commission like this was needed?

Ms Parent: We are going through changing times. I know that Ontario has a very good health system, but it can be improved upon. We are also facing hard economic

times and there is too much duplication right now in the health care system. What I would like to see, and this is what the commission is doing also, is trying to reinvest the money and put it where it really counts, which is on the front line, directly to the patients.

Mr Gravelle: Ms Parent, how do you feel about the fact that while the restructuring commission is going through the province, and it's been doing so since last June — and the first stop it made was in Thunder Bay, which is my home community — at the same time the government is slashing hospital budgets, is taking money out of the hospitals at the same time that they're doing the restructuring process? There are many people, including myself, who feel that this is really a very negative way to do things, on the one hand to take money out of the hospitals and then to restructure.

Obviously the restructuring commission might make decisions that make the budget cuts seem very strange, but certainly it's very difficult to take money out of the hospitals — \$1.3 billion is the amount the minister wants to have taken out of the hospitals in three years — at the same time they're trying to restructure. Does that not strike you as being really a strange way to go about the process? Should it be one or the other, or certainly the restructuring before the money gets taken out?

Ms Parent: I am under the impression right now that the commission is looking at exactly this problem that you just cited.

Mr Gravelle: The commission and Dr Sinclair have made some comments about that. They don't think it's a good idea as well. I believe they have been quoted as making those comments. Obviously I'm curious about yours as well, because if you are trying to restructure a system and you're taking out large chunks of money where staff are being laid off, it seems to me to be the wrong way to go about it and a way that can't work. That's why I'm curious about your opinion on it. Do you think it sounds like the wrong way to go, to try to do both at once?

Ms Parent: If I take, for example, my hospital in Kapuskasing, we went through the first couple of years of cuts. Mind you, our hospital is very well managed — and that's not because I was a director on the executive — so we could handle the cuts without cutting any of the services given the patients. This is what's really important to me, the services that we give to the patients. There are moneys to be saved elsewhere and I agree with this.

Now, as you're saying, hospitals are being hit on two sides at the same time, but again I must say that the commission is looking into this, taking this into account. We will be working on this. But you also have to appreciate that I just sat with the commission for half an hour and then I had this meeting with you.

Mr Gravelle: You mentioned in your opening remarks that you bring three different perspectives to the commission, and I think they are all useful. As a northerner, I know that in northwestern Ontario the smaller remote hospitals are doing some really remarkable work in terms of integrating a lot of the services they provide. Is that same thing happening in northeastern Ontario, sharing

services, putting together an integrated health care system?

Ms Parent: We are sharing all the services we can, going towards an integrated health care system. Yes, we are.

Mr Gravelle: Do you feel there is a different perspective in the north, different health care needs in the north that need to be addressed, and if so, it would be great if you could tell us and certainly tell the government members what the differences are in northern Ontario as opposed to the larger communities in southern Ontario?

Ms Parent: I agree with what you said. It is different up north, first of all, because of the great distances that you have to travel if you want to go and see a specialist. If you're in Toronto or Ottawa, most of the time you just have to go across the street or around a corner. If I want to see a specialist, I have to drive at least 150 miles and then that hospital doesn't have all the specialists a person could need. The nearest one would be 300-some-odd miles, and I'm talking of just a one-way trip. It is different up north.

This is a view that I want to bring to the commission, so that when we do study small rural communities up north, or what I would call "out west" when we talk about Kenora or other communities like this, we have to look at it, to analyse it not using the same benchmarks as you would be using in Ottawa or in Toronto.

Mr Gravelle: If you are appointed to the commission — and I think there's a pretty good chance you will be appointed today — I'm not sure even how to phrase it, but are you willing to fight for those values, those things that matter to you? I'm not familiar with the precise workings of the commission. The commission has come into various communities and has made decisions that many of us disagree with.

I just want to hear you say that if you feel very strongly that they are going in the wrong direction, you will feel comfortable fighting, you won't feel obliged to simply be part of a process that is in place or that has got an agenda. In other words, is your agenda to be part of a process to close hospitals or is it something else?

Ms Parent: First of all, I am a fighter. I fight for what I believe in and what I just told this committee is that I believe you cannot treat the north the same way as you do the south, for various reasons, and I gave you one, which is distance. The commission is doing very good work right now and my role will be to try and sensitize the other commissioners on issues like this. Yes, I'm going to fight for those issues. We're in a democracy, so consensus will rule. But I think the commissioners are all very attentive people. They are sensitized to our needs and I'm quite sure I won't be what we would say in French le bouc émissaire.

Mr Gravelle: Chair, could you give me a warning when I've got very little time left? There's one question I want to ask at the end. I've got some time left, have I?

The Chair: Say it in one minute.

Mr Gravelle: I've got one minute now? Tell me what you think about Montfort Hospital.

Ms Parent: I know Montfort is fighting right now to keep the hospital open. What I believe is that as a francophone I want to see all francophones being able to

receive all health-related services, since we're talking about health-related services, in French. I want to see that a patient can go and meet with a doctor or a nurse or whoever will give him the services he needs. I want him or her to be able to communicate with that person in his or her mother tongue, to be able to speak French and to be able to have the other person speak French to him or her also. This is very important.

Mr Gravelle: So you think Montfort should be kept

open?

Ms Parent: That is going to be seen.

Mr Gravelle: Can I ask you quickly too if you are a member of any political party, Ms Parent?

Ms Parent: Yes, I am.

Mr Gravelle: Can I ask you what that party is?

Ms Parent: I am a member right now of the federal PC Party.

Mr Gravelle: Any more time at all?

The Chair: Thank you, Mr Gravelle. Back to the

government members.

Mr Douglas B. Ford (Etobicoke-Humber): Ms Parent, you answered my question when you first gave your preliminary speech. What I'm going to do is just point out here for people here your background. Your background is very impressive, as far as I'm concerned.

You're francophone. You're a mother of three daughters. You've studied sociology and psychology. You've had business experience — economic development committee. You've been an executive director of a hospital. You've been on the welfare board, district family services, cancer society.

I accept that as being a good background in the position that you're applying for, so I'm not going to ask you any questions because you've answered most of my questions here and also in your preliminary presentation.

Thank you. That's all my questions.

Mr Bert Johnson (Perth): I have a question and a comment. You started your instruction in 1962. Can I assume that you went to teachers' college at the University of Ottawa in 1961?

Ms Parent: I did, sir.

1020

Mr Bert Johnson: I congratulate you for that and I congratulate you for making use of that kind of training as well. The other thing I wanted to know is that Val Rita-Harty — there are two sections of AMO from the north. I believe one is NOMA, the Northwestern Ontario Municipal Association. There's another one; I can't think of the name.

Ms Parent: FONOM, which is the Federation of Ontario Northern Municipalities.

Mr Bert Johnson: Was your municipality a member of AMO through one of those sections?

Ms Parent: Yes, we were when I was the reeve. They still are.

Mr Bert Johnson: Thanks very much. The only reason I'm bringing that up is that I came from a little place called Listowel and we were a member of OSUM in AMO, that section. Their convention is this weekend in Stratford. I just wanted to bring that up. Congratulations. Your background should suit many, many chores. You have one in front of you, I think.

Ms Parent: Thank you.

M. Baird: Merci, Madame Parent, pour votre présence ici aujourd'hui. J'apprécie que vous avez voyagé longtemps pour être prête pour cette réunion. Nous avons tous apprécié ça. Je suis heureux de voir dans votre CV toutes vos expériences dans votre communauté. Vous êtes membre du conseil de l'hôpital Sensenbrenner.

Maybe you could elaborate on what sort of experience you gained in that capacity. Obviously there are a good number of experiences you've had in your community and a whole host of other social service agencies. But as a member of the board of Sensenbrenner Hospital, could you perhaps enlighten us as to what background experience that would give you that you would find useful in your new position with the council.

Ms Parent: By being a member of the Sensenbrenner Hospital, I have learned, like I said previously, that we have a good health care system in Ontario, but it can be improved upon. If I take my hospital, for example, we just closed half of the acute care beds because there was

no more use for them.

This is something that we do have to do: reassess the services that we're providing to our patients, and make sure the money is used more wisely, more accurately on front-line services, so that we can give to the people affordable services, accessible services and high-quality services. The experience that I got while I was a member of the Sensenbrenner Hospital for four years just reaffirms it.

The Chair: Any other questions or comments for Ms Parent? If not, Madame Parent, thank you very much for coming before the committee this morning and responding to the questions that were put to you. You're welcome to stay. The next item of business is to vote on your appointment. We could proceed directly to that.

Mr Baird: I move concurrence in the appointment of Muriel Parent to the Health Services Restructuring

Commission.

Mr Gravelle: I want to say that I will be supporting Ms Parent's appointment to the Health Services Restructuring Commission for the reasons I stated earlier. We are, certainly in the opposition, keen to see representation from northern and rural and smaller communities. I think Ms Parent will give a perspective. I just want to state that I hope she does put forward some of the views I think need to be put forward in terms of northern women and the francophone perspective.

Also, I hope she will be looking at some of the problems the commission itself is dealing with, such as the dual issue of hospital budgets being cut while the restructuring is going on and also the fact that I think it's becoming very clear that some of the decisions being made by the commission in deadlines and timing are very unfair in terms of tight time lines. It's clear that a lot of the alternative programs and the community programs that need to be in place are not in place.

I hope she'll be conscious of that as well and will have that as one of her top priorities, because one of the concerns we have is that reality that decisions are being made in terms of time frames and yet the programs to replace the hospital care we have all come to expect are not necessarily in place and will not be in place. Dr Sinclair has been very clear about that. I hope she'll do that.

I wish her the best in a difficult situation. We did not like the formation of the restructuring commission, nor do we feel that the minister should be trying to avoid responsibility for it. Having said that, I wish her the best and hope she can bring a real positive point of view to the commission.

Mr Baird: I would just indicate that I'm pleased with the remarks of Mr Gravelle. Last week you did state your concern that there was too much of a large urban context to the commission's work and that they should be focusing on smaller communities. I don't think you can find many smaller communities than Val Rita in the province of Ontario.

I think the intended appointment would bring a tremendous experience and background, not only in community and social service agencies and the hospital board she served on, but as well would bring some experience in municipal government, as well as experience as a member of a small community of Francophones, and particularly northern Ontario. If we're going to get some good degree of knowledge around the commission's table, this would certainly bring that.

I note that she said proudly that she's a fighter. That's exactly what type of person they need on the commission. I congratulate you, Mr Gravelle, for your consistency.

The Chair: Are there any further questions or comments on the motion? Are you ready for the question?

Mr Baird: Could I ask for a recorded vote?

The Chair: Sure.

Ayes

Baird, Ford, Fox, Froese, Gravelle, Bert Johnson, Leadston, Bob Wood.

The Chair: It's a unanimous decision. I thank you for that. Ms Parent is confirmed. Madame Parent, you can

see that you go with the best wishes and blessings of this committee. We wish you well.

That concludes the business for today.

Mr Gary L. Leadston (Kitchener-Wilmot): I'd like to take a moment. For the past nearly two years I've served on this agencies, boards and commissions standing committee. I thoroughly enjoyed it. I'd like to acknowledge your leadership, Mr Chairman, and also, during your absence and illness, Mr Martin, for your sense of fairness and decorum in this committee.

To all the committee members I've served with, I've found that we've had some very healthy and challenging debates. But above all we selected, in my opinion, the people who are serving on various boards and commissions provincially. We have some exemplary individuals, men and women, very fine candidates who are going to serve this province well.

I'd also like to thank the professional staff who have served this committee, in particular our research assistant, David Pond, for an absolutely superb grasp of the issues. I look forward to reading his submissions on the history of some of the agencies we're dealing with. He has a superb grasp of knowledge and is a very talented individual.

Just in passing, I want to thank you for the experience. As you know, some of us are moving on to some other areas of responsibility. To the new players, you're going to enjoy this committee.

The Chair: I wasn't aware that you were moving on to other duties. Thank you very much. Your comments are most in order.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): My feelings are likewise; I'm moving on too.

The Chair: You are too. Holy smokes. Some bells are breaking up this old gang of ours. We won't meet next week then. The next meeting will be May 14. We are adjourned.

The committee adjourned at 1028.



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Mr Peter Kormos (Welland-Thorold ND) Mr Floyd Laughren (Nickel Belt ND)

Mr Frank Miclash (Kenora L)

Mr Peter L. Preston (Brant-Haldimand PC)
Mr Tony Silipo (Dovercourt ND)
Mr R. Gary Stewart (Peterborough PC)

Mr Joseph N. Tascona (Simcoe Centre PC)

Substitutions present / Membres remplaçants présents:

Mr Gary Fox (Prince Edward-Lennox-South Hastings / Prince Edward-Lennox-Hastings-Sud PC)

Mr Tom Froese (St Catharines-Brock PC)
Mr Gary L. Leadston (Kitchener-Wilmot PC)
Mr Bob Wood (London South PC)

Clerk / Greffier: Mr Douglas Arnott

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Intended appointments

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Première session, 36e législature

Journal des débats (Hansard)

Mercredi 14 mai 1997

Comité permanent des organismes gouvernementaux

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Chair: Floyd Laughren Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 14 May 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 14 mai 1997

The committee met at 1003 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mr Floyd Laughren): The standing committee will come to order. There are two subcommittee reports to deal with. The first one, dated May 2, is to review Tom Reid's appointment to the Ontario Lottery Corp and the appointment of Jeffery Lyons to the Metropolitan Toronto Police Services Board. Mr Lyons was selected by both the official opposition and the New Democrats. On the subcommittee report of May 9, no persons were selected, which means we will not have to meet next week, but it's constituency week anyway. We'll see what cabinet does this week and, when we get the names, whether we meet the first week back, the week of May 26.

Mr John R. Baird (Nepean): I move adoption of the

minutes for both May 2 and May 9.

The Chair: You've heard the motion. In favour? Carried. Thank you for that.

INTENDED APPOINTMENTS

TOM REID

Review of intended appointment, selected by official opposition party: Tom Reid, intended appointee as chair,

Ontario Lottery Corp.

The Chair: Mr Reid, we welcome you to the committee and we appreciate your attendance here. Mr Reid, just so the members know, bought me one time at a lottery for the United Way, so we go back a ways. Thank you for coming. If you want to make any opening remarks, now is the time to do it.

Mr Tom Reid: No, I think not. I'll just go to query,

if that's fine with you, Mr Chairman.

The Chair: Yes, that's fine. We'll go directly into questions then. Do the government members have any questions?

Mr Baird: We defer to our good colleagues in the

official opposition.

Mr Bruce Crozier (Essex South): Good morning. A lot has been written and talked about with respect to the introduction of VLTs, video lottery terminals, or as I think the public more appropriately understands what they are, video slot machines. Do you have any comments or concerns you would like to share with us with regard to the introduction of VLTs in Ontario?

Mr Reid: Are you asking me the question as a citizen

of Ontario or -

Mr Crozier: I guess you're both a citizen and you're going to be the chair of the lottery commission.

Mr Reid: I can give you some comments if you like. Just to be clear, as I understand it, there will be a separate chair and a separate board and a separate role and mandate for the VLTs rollout. While the lottery corporation I guess is sort of the papa bear corporation, it'll really be the baby bear that will be rolling out the VLTs.

Mr Crozier: I'm not aware of that, but perhaps you

can share that with us too.

Mr Reid: That may be conjecture on my part. But from a personal standpoint, I was asked the question when I joined the board about a year ago — in June, I think — when I visited, and I still say the same thing. As long as it's well studied, as long as it's rolled out in an appropriately slow-quick fashion as well as being put into enclosed environments so that youth can't get at them, that there's some discipline put into it, that the gaming commission has a role in licensing and those types of things, in other words, if it is done in a very correct fashion, then I think the rollout and implementation could be well done.

If, on the other hand, there are some people who are affected by it in a negative way, then as I understand it, the government intends to fund rehabilitation programs or a health care program, whatever it might be properly titled. If that is truly done and the problem is minimalized as best one can, and if the flow of funds go to the benefit of the citizenry in the province, then I think in an environment, if the majority wishes it to be, it will go in as well as one could hope to put it in. That would be my personal feeling on it.

Mr Crozier: Mr Reid, you started out by saying there's going to be a separate body that's going to handle the introduction of VLTs, and then you suggested that might be conjecture on your part. Do you know whether there's going to be, or is this some wild speculation?

Mr Reid: I guess I approach it as a businessman would. If I were putting in a new product line, I'd tend to make sure I had someone specifically looking after that

product line.

Mr Crozier: I guess I might do that too, but is the government going to do that? I'm asking you directly: Do you know if it's going to be handled by a separate body?

Mr Reid: No, I do not know specifically and factually.
Mr Crozier: Has it been suggested to you by someone that it will be?

Mr Reid: Just in the management discussions with the people at the OLC there have been several scenarios painted of the possible way to roll it out properly. We're having a scenario dialogue.

Mr Crozier: When you talked about the introduction of VLTs and their control and as long as it's done properly, I make a parallel comparison. We used to have

cigarette machines that were publicly available. It was found that they were difficult, if not impossible, to control because a machine doesn't look at your birth certificate, particularly with the youth. Why is it you're more comfortable with the introduction of these slot machines in every bar and restaurant on every corner on every street in Ontario, that we are able to control them any better than we could control cigarette machines?

Mr Reid: I don't smoke so I know nothing about vending machines and I can't comment on that, and that's yesterday's history so I wouldn't comment on it anyway.

Mr Crozier: Chocolate bars then.

Mr Reid: Talking about the VLTs, as I understand it, they're not going to be on every street corner. They're going into controlled environments. They're going into racetracks perhaps, they're going to hospitalities, as I understand it, those with a tendency to have controlled environments that would be licensed by the gaming commission, one would assume, and therefore age restrictions would apply and responsibility on the operators of those establishments would be the same as it is today for the control of a liquor licence. I don't know that to be true, but one would think that would probably be the path that would be followed.

Mr Crozier: My colleagues may have some questions. Mr Rick Bartolucci (Sudbury): Thank you, Mr Reid, for your answers so far. Could I just follow up on your scenario discussions? Who have they been with in regard to the baby organization of VLTs? You said you carried on some scenario discussions.

Mr Reid: As board members of the OLC, when the VLTs were envisaged, if you could put it that way, you naturally start to have scenario discussions, if we have a role in that, how will we roll it out. The board has talked about it, the management team has talked about it and have actually some mind to how that might be. So it's preparedness dialogues.

Mr Bartolucci: Have you talked to any minister about that or has any minister talked to you about that?

Mr Reid: I have not talked to any minister about it.

Mr Bartolucci: Any minister staffers talked to you about that or you've talked to them about that?

Mr Reid: No.

Mr Bartolucci: No parliamentary assistants? In other words, you haven't talked to any politicians and no politicians have talked to you about that scenario?

Mr Reid: So far, I'm clear.

Mr Bartolucci: So far. All right. Let's talk a little bit about privatization. We've seen over the course of the last little while that the number of staff at OLC has declined. Are you in favour of privatization of the Ontario Lottery Corp?

Mr Reid: In toto? Mr Bartolucci: Yes.

Mr Reid: Probably not. I don't think you could do it if you wanted to. Under the Criminal Code if you have responsibility for conduct and management of the lottery business, you couldn't privatize it in toto if you wanted to. If an examination of today and what the next decade will require in the sense of revenue production, free cash flow to fund the Trillium, the hospitals and that type of

thing, the corporation could better use outsourcing of some of its components, I think it would be a responsibility of management and the board to have a look at those things.

Mr Bartolucci: Do you think it would be critical before this were ever to take place that impact studies be done on the communities affected most directly by the Ontario Lottery Corp? I'm suggesting here Sault Ste Marie in particular.

Mr Reid: I don't know much about impact studies. I'm not an expert in that field, so I'd have to defer to

your thoughts.

Mr Bartolucci: With your extensive business background, I know or I would assume you've used impact studies quite extensively in the business world. I was in a small business for a few years and I used impact studies and I was really a small fish. You were involved with a bigger fish, and I know that impact studies were used by the corporation. So do you not suggest that it would be wise to do an impact study on a community such as Sault Ste Marie before any privatization on the operating side takes place?

Mr Reid: Two halves, I guess, or a three-part answer, if I may. One, back to the big corporation, generally we would not do impact studies. We would do more site location studies. As we were looking at a new venue, we were looking at demographics of opportunity. We'd do those kinds of things. But generally using an impact study the tendency is to understand what has to happen for the shareholder and you make the business decision

within that criterion.

The second part of the answer is, I don't know yet what size of opportunity there is for, as you say, outsourcing or making change. I think to do an impact study would be relative to the size of the ultimate impact, whether you would or you wouldn't.

Mr Bartolucci: You would suggest, though, that the shareholders of the OLC are in fact the taxpayers of Ontario and therefore directly impact on the taxpayer of Sault Ste Marie because it's a significant part of the economic base of that particular city.

Mr Reid: I agree the shareholders of the OLC are the

taxpayers of Ontario.

Mr Bartolucci: Then if it's going to impact on the shareholders, it's going to impact on the taxpayer, and it's going to impact most directly on the taxpayer in Sault Ste Marie because it's a major employment opportunity in Sault Ste Marie.

Mr Reid: To the degree I understand where you're ultimately trying to go with the question, I think it's a sense of the total impact: to take it singularly as you're doing about doing an impact study solely on Sault Ste Marie and if there is a change and there were some people's jobs lost, ergo it impacts the taxpayer because it takes away their income stream, their ability to pay tax or earn income.

On the other hand, if in the doing of that there's a multiple contribution to the people of Ontario that is fivefold, tenfold, 20-fold, who knows the number, in balance for the citizenry of Ontario, the winner is the citizen, the taxpayer. I can understand the concern about some impact here and the impact in a negative way on

tax base and the citizenry, but if it produces a multiple positive for that same set of citizens, then I think there

might have to be a balanced decision made.

Mr Bartolucci: I'm not going to disagree with everything you said, but I would suggest that in order to find out one would have to do that type of study to ensure that one could fairly make that choice, and if that weren't done, I don't know what other way you could honestly and fairly balance off in which direction the operating side should go. I think you have to do extensive studies. Maybe we'll agree to disagree on that point, and that's fine too.

You'll know that when this government —

Mr Reid: I don't choose to disagree. I just at this

point really don't know enough about it.

Mr Bartolucci: Okay. When this government came into being, it moved, as you know, the profits from citizenship, culture and tourism to the Ministry of Economic Development, Trade and Tourism. Are you in agreement with that move, first of all?

Mr Reid: I assume that's a government decision and

I have no comment on it.

Mr Tony Silipo (Dovercourt): Mr Reid, good morning. As members of the committee know, I ask all intended appointees who come before us generally this question: Are you now or have you ever been a member of a political party?

Mr Reid: No, I'm not, nor have I been.

Mr Silipo: Have you made donations to any political party?

Mr Reid: No, I have not.

Mr Silipo: Can I ask you, in coming back to the role of the board, and particularly the role that you see yourself playing as the chair of this board, on a couple of the issues that you've been discussing with my Liberal colleagues, first of all, on this question of VLTs — I guess I just want to be clear — I understand and I think we know that the government hasn't made a decision yet about what role the Ontario Lottery Corp will play, if any, in this. But I'm interested in understanding more clearly what advice on this you either have given or would give to the government, particularly as chair of the Ontario Lottery Corp. I got the sense earlier on that what you were suggesting was more on the side that there should be a separate body looking after that, but I want to make sure I didn't misinterpret what you said.

Mr Reid: You're asking me again, and so I answer correctly, I seek to understand the base of the question. If you're asking me as the potential chair of the lottery corporation, I'll answer that way. I would look at it then from the business perspective and my advice to the government would be, if this is decided to be done and it is to be rolled out, I would try to do it in the most costefficient way possible. It strikes me that you might want to think then about how much could be done in the private way, starting with a greenfield mentality which you have in the case of the VLTs but not in the case of the lottery corporation. You've got an old corporation; you've got a greenfield with VLTs.

Starting from scratch, what is mission critical at the beginning, what is Criminal Code requirement at the beginning, what then could be outsourced, how much you then have to keep inside in a human structural way and then how much of it might you already run through the existing hands and feet of the lottery corporation personnel? I think you'd want to work your way through it and my advice to government, if asked, would be to go through that process of thinking before you make a decision.

Mr Silipo: Is it fair to say when you say looking at it in terms of your position as the intended chair and looking at it from the business perspective, you would favour more beginning with doing as much of the work as possible within the private sector?

Mr Reid: If that is the most cost-efficient and effective way to do it, and I don't know the answer to that

yet. I haven't examined it.

1020

Mr Silipo: What about this notion that you were discussing earlier, which I guess I would put in a slightly different way, but I think addressing very much the same issue which is, what is the overall corporate responsibility of a body such as the Ontario Lottery Corp in terms of whether we maintain it essentially as a public entity with the employees who work for it as public employees, albeit obviously of the agency, as opposed to privatizing a service like this?

Mr Reid: I would assume the role of the chair is a fiduciary one as opposed to a management responsibility. In other words, the chair is not in operating management, it's more of a fiduciary responsibility, and therefore my responsibility is to understand the policy directive to the agency, if you will, from government and then in a fiduciary way to work with management so that we unfold it in the most effective and efficient way possible. Taking that stream of logic back to government, if the direction is to outsource, to do it in the most humane and effective way possible, then I would, in a fiduciary role, work with management to put them on that path and make sure they accomplish that goal.

Mr Silipo: Your answer seems to indicate to me that you see your role as a member of the board and as chair simply as one of facilitating the government's policy direction rather than trying to affect what that policy

direction might be.

Mr Reid: Maybe as I learn the role I'll understand that I have more of an upward opportunity. To the degree that that's there, I would partake in that. But at this time I really don't know that that role is there. Maybe it has been historically. You gentlemen have more experience with the particular chair, but I don't know what that participative role has been in the past.

Mr Silipo: You've served as a member of the board.

You're currently on the board, as I understand it.

Mr Reid: Yes, I am indeed.

Mr Silipo: So I'm a little bit puzzled that you would not be aware of that other part of the role. Is that because it hasn't been exercised by your predecessor or you don't see that as part of the function, or what?

Mr Reid: I've not visualized it in action nor have I heard anything verbalized or seen written where the existing chairman has seemed to partake of that role. That

may just be a lack of knowledge on my part.

Mr Silipo: Can you comment on your sense of how the lottery corporation distributes its proceeds, particularly the concerns that have been raised by some groups such as various amateur sports organizations which have complained that their share of the profits has diminished over the years. I'd just be interested in your thoughts on that.

Mr Reid: I was asked that question the last time I was here and made a response then and I don't think I would change it very much. As a baseball and hockey coach of young boys, I would love to see them have every dollar that we think they need to grow as athletes and as young people. I don't know exactly how many dollars go to that today.

I know there is a process, I guess, where government decides what percentages go to which of the various outlets they fund. But as I said last time, it strikes me that whatever funds go to athletes, whatever goes to the Trillium, whatever goes to the hospitals, they are all good purposes. But if someone comes along with a better thought, a better lightbulb, a better idea of something that could help the province better, I think everybody should listen to that.

Mr Silipo: It interests me particularly when I think back to the basis upon which this whole thing was started back, I guess, in the mid-1970s, which was that the revenues of this were not to be seen as a replacement for government funding of essential services, that in fact things like amateur sport were deemed to be, while important, not essential, I suppose in some people's minds at the time, to the running of the system when you compare, for example, to a hospital. Yet what we've seen. over the years has been more and more of the funding being turned towards funding some of the "essential" services as opposed to the other services. I'd be interested in your sense of that.

Mr Reid: I don't have the information to understand which government made the original decisions, which government changed it and which government allowed it to continue in the way it is today. Whether it was solely the current government or previous governments or transitional governments, I'm not aware of that. But I think at any point in time intelligent people would always sit down and reinvestigate where those funds go, but that's a consideration of the House perhaps more than it is the management of the lottery corporation. I think our job is to make sure we run it in the most effective and efficient manner that we can to maximize the flow. The decision on where the flows go, while as a citizen I might have some interest, I think really is not the purview of the chairman of this corporation.

Mr R. Gary Stewart (Peterborough): Thank you, Mr Reid, for coming in. I want to continue on the revenue side of things. Certainly in any type of corporation, whatever it may be, revenue generation is one of the keys. What I'm going to ask you is, and you have touched on it a bit this morning, do you feel there are additional ways to generate revenue from the corporation that could be put into health care, social services, this sort of thing?

Mr Reid: Again the answer would have to be two halves. If you're talking about the existing pure Ontario Lottery Corp and its mandate as it exists, yes, there are other new gains that one can, if you will, structure, reinvent that can put more revenue and the like. Some of the games age. It's the nature of the business. You put a game out and it runs 10 years and there's less interest in playing it than there was 10 years ago. You need constantly to be doing market research to understand that and then changing that game or putting in a substitute game which can bring the revenue line up. Certainly there's the modification, the reinvention or the creation of new games.

Then there's the ability to change what is called the gross margin. The Chairman, who's a former retailer, will understand gross margin, but it's basically after your direct costs are taken out. If you look at the lottery corporation over the last series of years, the direct costs have been going up and the gross margin has been declining. I think the responsibility of the management team is to do something about that and change that mix so you not only get a volume growth, you get a margin growth at the same time. There are ample opportunities to drive that top line.

Mr Stewart: I think it's something that goes on in business a lot where the margin is going down.

Mr Reid: Unfortunately. Mr Stewart: That's for sure.

Mr Joseph N. Tascona (Simcoe Centre): Has there been a review done in the last 10 years that has resulted in some restructuring like the private sector has undergone?

Mr Reid: If memory serves me, last year there was an exercise that was put in place and I think there was a reduction of the expense. Please, allow me to arrange this one. I'm not exact about the number, but I think it was somewhere between \$20 million and \$30 million of expenses taken out of the corporation. As a businessman, I would consider that to be a 50,000-foot review. If you're asking it in the context of the finite drill-down review that businesses are having to go through on a constant basis today, I don't think that drill-down has been done.

There's a role and mandate review which I think happened in the last few months with government, with perhaps some external expertise helping them have a look at all that. Then management and the board asked to do a benchmark look at how the lottery corporation looks on all lines of opportunity compared to the large lotteries in Canada and all those through the United States. They have that data now and I think they've identified some opportunities to do better.

Mr Tascona: In 1996 there was a review undertaken? Mr Reid: That's correct.

Mr Tascona: That dealt with reduction of expenses. Has that resulted in a review of the manpower require-

Mr Reid: I think that's under way at the moment. Mr Tascona: Is the manpower going to be reduced in

any way?

Mr Reid: I think the answer to that has to probably be yes. You have to understand what the lottery corporation is all about. It's in the business of maximizing revenue, I think when you do a review, and if you do it through external parties, they can easily lose sight of the fact that it only takes a minimum disruption in an operation to lose the revenue line. If you lose the revenue line, the expense reduction you save is fool's gold. At the same time the lottery corporation's integrity is everything. The games must be up, they must be functioning, they must have the answers. The fiscal control and the technological

control must be at a high peak.

I think you have to go through the review that has been done and see their starting point and then try to look at, if we make sure that revenue continues to go up, margins continue to improve, the service level we provide is as good or better than it has ever been. If we keep the fiscal integrity of the corporation alive, then what is the art of the possible by changing technology or process? What is the art of the possible for being more efficient in a human way? That has not yet been done in final form.

Mr Tascona: Within the staffing of the Ontario Lottery Corp, have there been any particular classifications that have been targeted for the numbers that you

want to reduce by?

Mr Reid: I guess in a global way the answer to that would be yes.

Mr Tascona: Which ones are those?

Mr Reid: All levels.

1030

Mr Tascona: So as a targeted figure in terms of the number of manpower that wants to be reduced, has that been set?

Mr Reid: It has not been set in my mind, no. I think they've got some global ranges in their minds but if you're asking me specifically if I have the role as a fiduciary role of working with management, I don't think management should commit a number, whether that be human count or expenses, until they've really got the finite evidence base to say, "We could run this corporation better in this way with these numbers." To do that is unfair to the people.

Mr Tascona: What's the global range?

Mr Reid: My guess is you're probably a corporation of about 750 people today. I think the art of the possible ranges somewhere between 350 and 750.

Mr Tascona: In terms of the remaining staff?

Mr Reid: Yes. That would be all locations, whether it be Toronto, whether it be Sault Ste Marie or wherever it is. You know they're in two or three locations.

Mr Tascona: Yes, the entire operation for each

location.

The Chair: Any other questions?

Mr Baird: I just want to follow up on that. I've been led to believe, following up from Mr Tascona's comments as well, that the corporation is somewhat overstaffed, I think even by its own admission in your comments here today. I understand there are almost 50 people in the communications branch. Is the corporation—

Mr Crozier: That's as bad as the Premier's office, isn't it?

Mr Baird: He wouldn't even have that many. I think it's four or five.

Is it in need of an operational review, particularly with

the staffing, in your expert opinion?

Mr Reid: I think the fair answer to you is, the entire corporation is in need of a review and as you do that,

you look at every single component. I think if you take an individual element which has the appearance of being overstaffed, ie, communications, you'd best find out exactly what they do because sometimes what they do has little to do with their titling.

You need to go and look at the total organization and, as you do that, you begin to drill down; you find where the opportunities are everywhere. In communications the probability exists is that 50 may be a little high, if that's the number, and I don't know if that is the number. You have better information than I do.

The Chair: Any other questions? If not, Mr Reid, thank you very much for appearing before the committee this morning. We appreciate your responses.

JEFFERY LYONS

Review of intended appointment, selected by the third party: Jeffery Stephen Lyons, intended appointee as member, Metropolitan Toronto Police Services Board.

The Chair: Mr Lyons, welcome to the committee this morning. We appreciate your attendance here. If you have any opening comments you'd like to make, now is the time to do it.

Mr Jeffery Lyons: Thank you, Mr Chair. Just briefly, I think perhaps I know some of the members and I assume they've had some background material on me, so I'll just indicate that I am a lawyer by profession, that I started in my early days of the profession being a consumer activist and I think that's what led me into many positions in municipal politics. Believe it or not, I was the individual who pioneered class actions in Canada. Some of you, perhaps you, Mr Chair, would remember the rusty Ford case and the Firenza case etc.

Then I got myself into other areas of law, particularly insurance law, and then got involved in municipal politics. I've served a number of offices in the municipality of Metropolitan Toronto, including as vice-chairman of the zoo board, the environmental control board of North York, the North York Performing Arts Centre, and then I was on the Toronto Transit Commission for 11 years and was the chair the last two years when they had citizen appointments.

That's my background. I've served in other capacities, including in my own profession, but I just thought I

would give that summary.

The Chair: Thank you, Mr Lyons. We'll start the questioning or comments with the official opposition.

Mr Bartolucci: Thanks very much and welcome. Reading your résumé, certainly you have an extensive background and now, with the municipal component, it almost looks like the perfect picture. Are you in favour of Bill 105's recommendations with regard to the board structure ensuring that the municipalities have the predominant number of members on a board?

Mr Lyons: I agree with that. Actually, even if it wasn't in the bill it would be something I would have foreseen because if they're paying the majority, almost all of the budget, then why shouldn't they have a majority of the members? When I was at the Toronto Transit Commission and we still got 25% of our capital funding from the province, all our appointments were from the munici-

pality of Metropolitan Toronto. It makes quite perfectly

logical sense, to me anyway.

Mr Bartolucci: Likewise, having sat on the police commission for several years it made sense to me back then as well as a municipal councillor, but obviously this change will benefit municipalities quite extensively so they have some control. What about the provisions in Bill 105 with regard to police oversight? Are you in favour of the changes there, and if you have any reservations, could you please outline them to us.

Mr Lyons: First of all, like everything else, you start to read up on it — this appointment is 10 days old or something like that I've been aware of it, and I was probably more aware of Bill 103 than I was of Bill 105, but with respect to that, I think there's a streamlining. There was an interesting article in Mr Stein's newspaper yesterday that said there's probably a happy balance,

because both sides aren't happy.

I don't really agree with Alan Borovoy, though. I don't think every complaint has to be monitored. I think they do have a structure in place. We're not dealing with an illiterate society; we're dealing with people who are informed. If they have an appeal, they can make that appeal and they won't be intimidated. At least this is my belief in this society, and that there are still legal aid clinics. They're not as well funded but they're still out there to help them. We still believe in doing some pro bono work. Lawyers will do that for citizens. At least I'm a believer in that.

Mr Bartolucci: Are you a proponent of community-based policing?

Mr Lyons: Yes, within this community in particular; in the most multicultural city in the world, yes, definitely.

Mr Bartolucci: What do you think is the greatest challenge to the particular board you're going to be sitting on?

Mr Lyons: There are several: budgetary constraints, a big issue today. I think people in a society really worry about their — I was at home talking to my daughter last night and she said, "Why are you doing this?" She's 17 years of age. She said: "Why do you want to be on the police services board? It was better when you were on the Toronto Transit Commission." I said, "Merrill, what would you worry more about today? Would you worry about transit or would you worry about the police?" and she said, "The police." I said: "That's really what the problem is. In society you can live without transit. You'll have to find to another effective way even if it's a bicycle. But policing is a major problem."

People worry about their security and also people worry about whether their rights have been infringed upon and it's always that careful balancing. I think as a police board you're always trying to monitor that considerably to make sure it works. If people lose faith in our policing and the policing isn't done well, then the society really does suffer to a greater extent than if, say, the transit system isn't working well. To me, it's the most important board in the municipality of Metropolitan Toronto. I've always felt that, even when I sat on the TTC. I always thought that the major board that had the greatest impact was the police services board.

Mr Bartolucci: Mr Lyons, I agree with you. Whether it be Toronto, Sudbury, Sault Ste Marie or wherever, I

honestly am convinced that the police services board is the most important board in any municipality. But I don't think the budgetary difficulties that any municipality has are the greatest concern at the police services board. I'm a strong believer in community-based policing. I know it's extensive already in Toronto, but would you expand community-based policing in Toronto?

Mr Lyons: I just looked at this briefly, but the police services board have their annual report. I just picked it up yesterday because I had my first meeting with their chair, Maureen Prinsloo. They have this Toronto 2000, which is a new approach towards community-based policing.

Just my overview of it is that the expansion of it is because we have so many ethnic cultural groupings. We may have the Somali community or some community like that where we may have to be doing more in that community and we haven't really — it's so many communities. It's expansion of the program into a number of communities and expanding the program itself, not only having different responsibilities for the police, but the outreach programs into the schools. Saying all this, my knowledge is a bit embryonic. I've got to be honest with you, I'm not sure I'm that knowledgable about it, that's just a view that I have.

Mr Bartolucci: Well, from listening to you, I think it's going to evolve into a very healthy child. Thank you. 1040

Mr Michael Gravelle (Port Arthur): Good morning, Mr Lyons. I think you almost answered a question I was going to ask, but I'll just do it straight up. Did you seek this position — because you indicated, obviously, an interest in serving on it — but did you actually seek it?

Mr Lyons: I'll tell you how it happened. I had lunch one day with the Metro chairman. He had resigned and I took him out for lunch because I felt badly for him, he's a good friend of mine, and he said — I just told this to David Stein over here — "Why don't you seek the position of police services board?" I said, "Why?" He said, "Father Lombardi's no longer being appointed." I said, "Really? Gee, that sounds interesting," so I phoned the Premier's office and indicated my interest.

I don't know if Alan Tonks would appreciate me telling this story, but I don't think that —

Mr Gravelle: Well, it's on the record now.

Mr Lyons: I went out to help him over lunch, to see what I could do to make his life a little more pleasant —

Mr Silipo: He got you into this thing.

Mr Lyons: — and he said to me afterwards, "This was a strange lunch."

Mr Garry J. Guzzo (Ottawa-Rideau): He doesn't need any help now. He's got a safe job now.

Mr Silipo: You took care of that.

Mr Gravelle: Back to Bill 105, if I might, because I think what you said is interesting. If indeed it does strike a balance — as in Mr Stein's article, which I read as well, which was interesting — that may be the case. I take it you've had a chance to look at it — at least somebody told you — do you think there are any changes that need to be made to it in terms of amendments? There are some interesting controversies on both sides of the whole police complaints issue. From a police officer's point of view, I know they have concerns about the

definition, for example, of "unsatisfactory work performance."

Mr Lyons: Yes. I know the police are not happy with that, although actually I'm happy to see it in there. It has been an issue, and I know the police may not be happy with it, but you know what? I wish we had that sometimes in the TTC, when we had unsatisfactory work performance, but you get yourself into these fights with the unions and I'm not so sure I would do that. But I'm saying I can understand it.

Again, I can tell you I have some knowledge of it but only from what I've read. I've not heard it from the police perspective. I must say to you I've never met Chief Boothby. Socially maybe once or twice I've bumped into him, but I don't have any really —

Mr Gravelle: So you think the term "unsatisfactory work performance" is a useful term in terms of those who are meting out the discipline, I guess you're saying. My concern is that, unless you define what it is, obviously there can be wide boundaries in terms of what that unsatisfactory work performance is. It could be not handing out enough parking tickets. So you know, we want to —

Mr Lyons: Oh, I see what you're saying. No, you're right —

Mr Gravelle: I know a lot of the people on the ground, the police officers, are very concerned about that particular definition.

Mr Lyons: No, if it was parking tickets — my view is that unsatisfactory work performance may be somebody who's spending too much time in the doughnut shop or something like that.

Mr Gravelle: But don't you think that makes the case that it should be, it needs to be defined?

Mr Baird: There's David Stein taking notes.

Mr Gravelle: I'm sure everybody on the beat is going to appreciate that comment you made. The question really is then: Do you think that probably needs to be defined because obviously there's a pretty wide definition, and is it a fair thing to have in the bill phrased that way?

Mr Lyons: Let me say that you've raised a good point. Is it an unfair thing to have in the bill? At this point I wouldn't say I disagree with it, but you've raised an interesting spectre if it's parking tickets. I'd want to know more. Let me answer your question by saying, I'm not unhappy with it.

Mr Gravelle: I don't know either, but it's obviously

one of those things.

Mr Silipo: Mr Lyons, I think your story about how you got this appointment is telling. I'm not sure how many other people would have been able to simply call up the Premier's office and end up in front of this committee, but that actually was going to be my first question to you, not how you got the appointment, but what it is that would drive a Jeff Lyons to want to become part of the police services board.

Mr Lyons: I've always done public service in the municipality of Metropolitan Toronto. I sit on a number of public boards now, and I probably, like you, Mr Silipo, really love public life. Do I seek public office? No, I don't, probably for a few reasons, one maybe starts at home, and I very much enjoy doing public service. The

most enjoyable years I had were when I was the chairman of the TTC.

What makes me want to do this? I don't undertake a task unless I do it well because at the end of the day you might as well not do it if people are going to talk negatively of you. I have no other answer than — I'm sure at home if I told my wife I wasn't doing this, she'd be happier, but listen, why do you seek public office? Why does everybody around this room? We do it because we like it, and I like it.

Mr Silipo: Fair enough. Can I just pursue a couple of other lines of questions? I don't know if you were here before, but I ask everyone that comes before us this question or couple of questions. I think I know some of the answers with respect to you, but just to have it on the record: Are you now a member or have you ever been a member of a political party?

Mr Lyons: Yes, I have.

Mr Silipo: And which party?

Mr Lyons: The Progressive Conservative Party.

Mr Silipo: Okay, and it's fair to say that you have also been involved in fund-raising for the party?

Mr Lyons: Yes, I have for about 30 years.

Mr Silipo: Okay. You touched a little bit with my Liberal colleagues on the whole role of dealing with complaints, but to also deal with it in terms of this question of the duty to cooperate, I ask your thoughts specifically on that question in terms of how it has been dealt with under Bill 105 particularly.

On the issue of the duty to cooperate, the concern is when there is an incident that involves the police officer using his or her firearm and there's an investigation, there is a question still about whether police officers should cooperate with the SIU, whether they are the subject officers or not, how you sort out that issue whether they are the subject of complaints or whether they are witnesses to something that happened. I'd just be interested in your approach and your view on that issue.

Mr Lyons: First, actually I just saw it last night, there was another incident in the municipality of Metropolitan Toronto on the special investigations unit and the question of the subject officers and the witness officers and the fact that the subject officers feel that they're giving up their rights. I understand that the Solicitor General has convened a task force of the stakeholders and that they're going to come up with some type of protocol over the summer, although I don't know how confident they are.

I think there should be a protocol in place. Obviously what happens now isn't working satisfactorily. This issue of "reasonable time," when you have about two weeks to meet with a representative of the SIU unit, it may be too long a period of time. My views on the charter are that obviously the police association has never really risen or has not really taken that issue to court, although they obviously feel they have an issue with respect to incrimination.

I think the legislation, the protocols etc, should go ahead and that the charter argument has always been a backstopper. That's my view as a lawyer. I never looked at the charter as a prerequisite to making a decision. It's out there to protect people but it's a backstopper.

Mr Silipo: Beyond the protocol, can we talk also a little bit, please, about the whole question of policing in

Metropolitan Toronto as it relates to visible minorities. As you know, that has been an issue that has been unfortunately ongoing in Metro Toronto and there are still problems that haven't been resolved, at least as I see them. I'm interested in your thoughts on what you would see as your role as a member of the police services board in addressing that issue.

Mr Lyons: First of all, as a member of the police services board, I certainly wouldn't be trying to micromanage the police department. If we did, we'd certainly have a lot of problems. I view the role we will have on the police services board would be setting policy and setting standards among others — but those are the major issues that as far as these issues of — what was it, racism that you mentioned?

Mr Silipo: I didn't mention it, but yes. 1050

Mr Lyons: That's what I assumed you did. Do I know that exists? Or does it exist? Or do individuals exist? Obviously there are bad apples in every barrel, so there must be some of it, but at this point I don't know any more than that to comment on it. Would I be concerned about it? Yes, I would be. Would you try to set in place certain policies? We're working with the police chief and his staff, so certainly you would. I don't know if I've answered your question.

Mr Silipo: In fairness, I gave you a fairly broad question. Let me be a bit more specific and bring one of my concerns — in terms of your coming forward for this position — and put it right out on the table and have you

respond to it.

We talked earlier about your fund-raising activities. My understanding is that at least a couple of the people you were very actively involved in supporting and were fund-raising for were people like Paul Godfrey and June Rowlands, both of whom sat on the police services board and both of whom showed, in my view, an approach that was at the very least not helpful in dealing with issues of policing as they affected visible minorities. I'm concerned about what you bring to the board. Do you bring that kind of approach or do you bring a different approach to the board?

Mr Lyons: Both of these individuals, one in particular is a very good friend of mine and I don't apologize for that, but I can tell you our views of the world are quite different. I've always considered myself — and I see the colleagues here from the Progressive Conservative Party — a pink Tory. That's my view of the world if you have a definition for where I fit.

My view is that I care about people — I really do. At the same time we're trying to run a safe city. That's the balancing in my mind. I certainly would not want to see the little guy have any more problems of law than the wealthy or people who are able to have legal counsel. That's my world. Both of these people, June Rowlands, a lot of her positions I would not agree with. I did support her for mayor, but not on all the policies. She might have been running against other candidates I approved of less.

I was appointed to the Ontario Place board by your government. I'm obviously a member of one party but I think I cross party lines in many ways. I've never really been so partisan as not to be like that.

Mr Silipo: I've certainly sat in this committee and voted in favour of appointments of people to various bodies who are members of the Conservative Party. That's not for me in and of itself a deciding issue. What is is the whole concept of what you bring to this board as opposed to any other boards. I see a difference between this board and the Ontario Place board.

The question of policing as it affects minority rights is for me a major concern, particularly when I see the change that's happening among the membership of the police services board. As you pointed out, you're replacing Father Lombardi. Laura Rowe, I gather, is not being reappointed; the previous appointment has been replaced by someone else. I don't see at this point anyone on this board who has any real experience in dealing with the issues of policing as they relate to visible minorities. That remains for me a concern so I need to hear from you what you would do about that.

The Chair: This will be the last question.

Mr Lyons: Let me answer that. I didn't realize that's where you're coming from. First of all, I have a fairly extensive background in municipal boards. I understand how they operate. I understand the dynamics, the politics, and that has always very important. Second, I was a bencher of the law society for eight years and chaired the professional standards committee, did a lot of discipline hearings, understand problems. Lawyers are obviously different, if only on a professional basis, than policemen, but there are a lot of similar issues.

I've been involved on a number of business boards. I think I understand how a business has to operate. What I'm bringing to this is my vast experience. Frankly, when I listened to the chair yesterday, there are a lot of issues. budget being one of them, that I think I could add substantially to. Maybe I don't have a particular community that I represent, because I look to myself to represent all the municipality of Metropolitan Toronto, and so should every civilian member.

What I'm really saying to you is I have a lot of experience I'm bringing to the table. I think they need that. That's my opinion, or I wouldn't be putting my name forward. I'm not doing it to say, "Listen. I'm a member of the police services board. Here's my badge," or something. That's it. I really think I can make the difference. If I can't make the difference, then I shouldn't

be doing it.

Mr Tascona: Thank you for attending today, Mr Lyons. I think I'm going to follow along the lines of what Mr Silipo was getting at in terms of your interest in serving the public. As an intended appointee to the Metro Toronto Police Services Board, would you share with the committee whose interests you will be representing on the board?

Mr Lyons: Whose interests I'd be representing on the board? I'd be representing, to my mind, the public's interest. Although I'm appointed by the province — and ultimately it may be that these appointments are all made by the municipalities, although there just may be a difference in numbers — I don't look at myself as a representative of any level of government. I see myself representing the public. That's my answer.

Mr Stewart: Thank you, Mr Lyons. I don't know whether my question is redundant but you made the comment, "Do it right or don't do it at all," which is a belief I have. I look at your background and you are at present on 14 different committees, which is unbelievable. Certainly being appointed to the police services board will be a fairly involving job, and you're still practising law. Do you really think you have the time to do this job and do it well, because I believe that's where your thinking is.

Mr Lyons: This is far more extensive than anything else in my résumé there. I'll be leaving the Ontario Place board shortly anyway. Some of these come and go, and I've made that decision. I was worried that when I undertook it, it would even be greater. I thought they'd have a lot of discipline hearings. I know from law society days that could be weeks. It isn't as extensive, as I

realized. I was prepared for that.

Mr Stewart: You mean you —

Mr Lyons: Listen, as I say, if you're going to get into it, do it; if you're not prepared to do it, don't get into it. That's all. Some of my friends might say, "Why are you doing it?" But I'm doing it.

Mr Stewart: I guess my concern was whether some of these ones you're on now are going to be finished in the

next little while.

Mr Lyons: Some of them will. In the federal situation I'm sitting on the Via Rail board. I don't know how long that will last.

Mr Marcel Beaubien (Lambton): As a former police services board member myself, there always appear to be — not only appear, there are — some difficulties between the board and sometimes the municipal council with regard to funding of the police services board or the policing level that you have in your municipality. If you encountered this particular difficulty in Toronto, how would you handle it?

Mr Lyons: With the budget? I'd find out what the problem was and I would review with our chair, and I probably might go to speak to some of the municipal politicians myself, because that's a strength I bring to the table: I know a lot of them. Would I be effective at lobbying for their support? Yes, I would be. It's a benefit that the police services board will have. I don't apologize

for that. I think that's a strength.

1100

Mr Beaubien: What about the policing needs of the community. How would you balance that? For instance, sometimes you may be lobbied by different groups to increase the level of policing in certain areas as opposed to other areas. I come from a small community, so I am sure there are probably some unique problems in Metro Toronto that you would not encounter in a smaller community.

But you mention about minorities, different backgrounds, and I am sure that some group of people may need a higher level of community policing. How would you arrive at an acceptable level of policing that would cater to the needs of the people in the community?

Mr Lyons: This would probably be something like a deputation item. You'd be hearing what their concerns were and you'd want to hear from the staff. Hopefully, what you try to do is balance out what their needs are and what resources you have and what you think is appropriate.

Obviously there are situations such as you've just described which need greater policing, but you really have to get the whole story. That may be one version and the police may have another version and our budget may have another version in the sense of what you can do. You work it through. You listen to them. I've listened to them for years when they wanted to move a bus stop or have a new bus route. You know, it didn't always work, but you tried to make everybody happy. There are the political needs. You've got to deal with that reality. I understand.

Mr Beaubien: So you find there is a balance on both sides.

Mr Lyons: You've got to balance it. It's the art of compromise, the art of the possible and you work at it.

The Chair: Mr Beaubien, did you have any other questions? If not, that completes the questioning. Mr Lyons, thank you very much for coming before the committee. We appreciate your attendance.

Mr Lyons: Thank you, Mr Chair.

The Chair: We will now deal with the concurrence of the two intended appointments.

Mr Baird: I move concurrence in the appointment of Tom Reid to the Ontario Lottery Corp.

The Chair: Do you wish to speak to it now?

Mr Baird: Just briefly, I think he's an outstanding individual who would bring a tremendous amount of business experience to what's a pretty important corporation with pretty sizeable revenues. That type of experience and expertise would obviously serve the board well, and there's no trace of political partisanship to this appointment. It's the individual's background, I think, that speaks for itself.

Mr Silipo: Mr Chair, with some reluctance I am going to vote against the appointment. I thought I should explain why. I found Mr Reid's sense of not seeing an active or advocacy role as part of the position really lacking for someone to take on this kind of position. It's something that gives me a little bit of trouble because certainly, as chair of an important corporation like this one, I would have expected something a bit more active than simply saying, "My job is to just carry out what the government wants me to do," kind of attitude. So, with some regret, I find myself not able to support the appointment.

The Chair: Any other comments on Mr Baird's motion? If not, are you ready for the question? All those in favour? Opposed? It's carried. Thank you for that, Mr

Mr Baird: I also move concurrence on the appointment of Jeffery Lyons to the Metropolitan Toronto Police Services Board.

The Chair: Do wish to speak to it?

Mr Baird: Just some brief comments. I think Mr Lyons's extensive background in the community was best summarized when Mr Silipo asked him why he wanted to serve on the police services board. This is an individual who has given to his community, whether it's in the arts or sport or through his involvement in the Law Society of Upper Canada, a tremendous commitment. His skills and expertise have been recognized by governments of all stripes.

I noticed in his background papers that he was appointed to the board of directors of Ontario Place by the previous government, in addition to the board of the International Trade Commission in 1994, so obviously those skills and that expertise and the background of Mr Lyons were well acknowledged, even by the previous government. I think the community would be extremely well served to have someone of his skill sets and community background and expertise to serve on the police services board.

Mr Silipo: Again, Chair, I am going to be voting against this appointment for different reasons, so I want to also put these on the record. I don't disagree with Mr Baird's assessment of Mr Lyons as somebody who's very capable and somebody who has been active in a variety of ways in the community.

The one area that troubled me about his answers to the questions was that, while I think he certainly reflected some understanding of some of the concerns that I, among others, raised on the question of policing as it affects visible minorities, I didn't hear enough to convince me that in fact he sees that as a major issue that needs to be addressed. I may be wrong in that, but that's the conclusion I've come to.

Second, I have a broader concern as it relates not so much to Mr Lyons himself, but what I think the government is doing with this last set of appointments to this board. It is changing significantly, with the last two

appointments we have seen to this board, the kind of attention that needs to be paid to that very fine balance of continuing to support and protect our police officers and at the same time understanding and being active in responding to the concerns of visible minorities in particular who feel that their police board and their police officers are not always acting in the appropriate way.

I think the way to answer that is to have on the board people who are prepared to take that very tough issue on in a very direct way. What I've seen from the government over the last couple of appointments is they replace people who, with all the problems they have got themselves into, were not afraid to raise those issues and to have those issues addressed. There are people who are certainly leaning more towards not seeing the importance of those issues being addressed. That's why I can't support Mr Lyons's appointment, although I appreciate many of his answers to the questions and wish him well if he's appointed to this position.

The Chair: Thank you, Mr Silipo. Any other comments on Mr Baird's motion? Are you ready for the question? All those in favour? Opposed? The motion is carried. Thank you for that.

That completes our business for the morning. There will be no meeting next Wednesday, of course, because it's constituency week, and you will be notified about the following week. Thank you very much.

The committee adjourned at 1108.



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Standing committee on government agencies

Intended appointments



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Mercredi 18 juin 1997

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 18 June 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 18 juin 1997

The committee met at 1004 in room 228.

INTENDED APPOINTMENTS

The Chair (Mr Floyd Laughren): The standing committee will come to order. The first item of business is to deal with the subcommittee reports, who receive the certificates. There are four such subcommittee reports.

Mr John R. Baird (Nepean): I move that we adopt the minutes of the subcommittees from May 15, May 23, June 6, June 12.

The Chair: All in favour? Carried. Thank you for that. I don't think I'll bother reading all the names into the record.

Today we have three appointments: Mearl Obee and Arlene Wright to the Education Improvement Commission; and Dianne Ballam to the Workers' Compensation Appeal Tribunal. We'll deal with them in that order, if the people are here.

MEARL OBEE

Review of intended appointment, selected by third party: Mearl Obee, intended appointee as part-time member, Education Improvement Commission.

The Chair: Mr Obee, we welcome you to the committee. It's the tradition that you be allowed to make any opening comments you might want to make and then we'll have members of the committee ask you questions.

Mr Mearl Obee: Thank you, Mr Chairman. First of all, I'd like to express my appreciation for the opportunity to come before the committee to give you just a bit of background I bring to the commission: an understanding, I believe, of teaching, since I've been in that profession for 35 years, serving as a classroom teacher, as a principal at the elementary level and as a principal at the secondary level.

As well, I bring some knowledge of the administrative structures and the complexity of the education scene, having served as a superintendent of education, as a superintendent of human resources, an associate director in charge of all business functions, and finally as a director of education.

I also believe I bring to the commission an understanding of the provincial perspective of education, having been a member of and chair of some significant organizations: the Ontario Catholic Supervisory Officers' Association, of which I was president, and the Council of Ontario Directors of Education, that is, all directors for the province — English, French, public, separate. I was chair of that group and have some understanding, therefore, of the issues across the province.

I would suggest that gives a brief synopsis of my background and experience. It may be of interest to the committee members.

The Chair: Thank you. Any questions or comments from government members?

Mr Baird: We would defer.
The Chair: Official opposition.

Mrs Lyn McLeod (Fort William): Thank you very much, Mr Obee. There's no question about your credentials in education and your background of experience as well as your commitment to education. I guess my questions will be more on the lines of the role of this commission and how you see the possibilities of using a position on the commission to contribute further to education, because I would have no question that that's your goal.

One of the challenges for the — and, Mr Chair, as a visitor to the committee you'll have to guide me in terms of the timing. I'm sure that you will.

The Chair: Yes. Each caucus has 10 minutes.

Mrs McLeod: Right. One of the challenges obviously in the school board amalgamation is — and I should have taken a minute to take a look at how your particular board is affected by amalgamation. I'm not sure that it is directly affected. But in a large number of boards where there is an amalgamation of several boards coming together, one of the very real challenges that's going to be faced is in the whole area of collective bargaining, the harmonization of contracts as well as the harmonization of services.

I wonder if you'd comment on your thoughts at this point as to the role of the EIC, how these issues can be handled constructively, in what ways the commission might be able to mediate the sheer chaos that I believe education is going to be facing over the course of the next few months.

1010

Mr Obee: In terms of the question, I have been around long enough to have been a participant in 1969 when there was an amalgamation of a number of boards and so I recognize the breadth and depth of your question. The commission, I believe, is put in place to address those types of questions in a very systematic way. It's my view that the job of the commission will be to identify the issues, discuss with the constituent groups processes which may accomplish exactly what you're talking about and publish guidelines that would be helpful in the amalgamation process.

Mrs McLeod: There are some initial guidelines, if I can use that term, that have already been put forward in legislation. They don't apply to teachers at this point, although we're expecting to see similar guidelines for

teachers within the next little while. These are school board employees, as you may be aware.

The legislation directs the collective bargaining process, including the ability of school boards to essentially suspend the right to strike of their employees if they're not able to successfully reach a collective agreement. In fact, it's not even if they can't reach; it's at the outset of the process. If they think they might not be able to reach a collective agreement through joint negotiations, the board has to decide whether it's going to suspend the right to strike and go directly to arbitration.

Do you not think that any mediating role that the commission might have been able to play is going to be essentially destroyed by that kind of legislative background guideline?

Mr Obee: You're referring to Bill 136?

Mrs McLeod: Bill 136.

Mr Obee: It's my understanding that in that bill there is a commission created to oversee the implementation of that bill, a transition commission. I'm not familiar with it in detail, but a transition commission. Therefore, it would not come under the direction or scope or mandate of the Education Improvement Commission. However, the Education Improvement Commission is charged, as I understand it, with facilitating the process of amalgamation. I'm sure there are contributions that can still be made outside of the specific mandate that's outlined in Bill 136.

Mrs McLeod: I guess that was part of the reason for my first question, and I'm not intending to trap you. It has been our position from the very outset that it is not responsible for the ministry to simply put this amalgamation legislation in place and then turn over the responsibility to the commission to figure out how to make it work. We've had a lot of questions about whether the EIC can have very much effect at all.

One of the key areas in which there was to be a responsibility given to the EIC was in the transfer of the harmonization of contracts, the transfer of assets and liabilities, and I think, quite frankly, that the EIC, by the setting up of this other commission, as you've said, has

essentially been moved out of that process.

I guess that makes me wonder whether or not the EIC can do very much on the other area in which the minister has indicated you're going to be asked for advice, and that's the funding formula, because the collective bargaining process can't be separated from the adequacy of dollars. Again I think it's going to be part of the sheer chaos. How does the EIC even begin to provide advice to the minister on the funding formula when there are so many intangibles in this?

Mr Obee: That was a question? Mrs McLeod: That's the question.

Mr Obee: I'm not sure that I know. Obviously it would be presumptuous of me, since I'm not a commissioner at the present time, to suggest what route the commission will take, being eventually, I hope, one of seven members. But I believe there is a role for the commission in the consultation process, in the process of collecting information, identifying issues and giving advice. Then it is up to those who are elected to the higher bodies, to the government, to Parliament, to

formulate the legislation to go forward to satisfy or address those issues.

Mrs McLeod: I personally wish they'd let the commission start to do that before they brought in their legislation on collective bargaining so that you could have been influential in that regard.

I was also around in 1969 — I hate to admit how far back I go in this business — and there were several very significant differences in that school board amalgamation from this one, one of them being that the board boundaries were seen to be fairly logical. I'm not pretending that everybody was happy about the dissolution of small boards, but they were very small boards that were being amalgamated and the boundaries reflected essentially some regional realities. That's not true in this case. The EIC has already had to make recommendations to break up one initial proposal on the sheer geographic size of the boards. There are several others where people have made clear representation that these board boundaries cannot work

How much time is left, Mr Chairman?

The Chair: About three minutes.

Mrs McLeod: I've got time for two more questions then. One then is on your sense of whether the commission is going to be able to continue to render advice in the areas of making these boards workable. My supplementary question to that is whether, as somebody about to step into this commission, you bring a strong personal commitment to make sure that these boards remain in place and remain workable and how you see the role of the parent council in relationship to trustees in the future.

Mr Obee: The first part of it, as I understood your question, was really to ask whether I saw the commission as being able to make ongoing recommendations around board boundaries. I have an understanding that the cochairs of the commission, acting in a consultative role, did review the boundaries and did give input to the extended boundaries. At that time there wasn't a view to go beyond the additional boards that were recommended.

I, of course, can't say; I haven't had the benefit of input around that issue. I would assume that the two people who did have a look at it did a thorough reflection on it — I know there was broad consultation — and provided the best advice that was available to them at the time, which I understand was acted upon.

With regard to my understanding about the continuation of structures, I assume that your question was, are

boards going to continue?

Mrs McLeod: That's right. Again, I'm not trying to trap you. My belief is that the board boundaries were unworkable, that most still are. I hope you will approach the commission with a critical and questioning approach, as I trust you would, given your background in education, because there's no question that only the worst of the board boundary issues was dealt with. I continue to remain convinced that the original intent was to set up something unworkable and eventually school boards would disappear. That's why I was looking for your statement of commitment to the continued existence of boards and how you saw parent councils in relationship to that.

Mr Obee: I certainly see the continued existence of boards. I recognize that what we're going through is a shift in thinking and a new paradigm. I equate it somewhat to 1969, where very local school boards, much like school councils, were in place and there was the thought that there was a need for a broader base, for a variety of reasons, equitable access to education for all students being one of them.

I see that in regard to this there is a shift in thinking, a new paradigm, which will cause one to look at the role of the trustee. Given that activity, I think we will find trustees possibly doing different things to accommodate their electoral groups. I would foresee the continuance of

school boards.

Parent councils and those parents I think are at the heart of education and need to be involved and need to have a sense of community with the school. That needs to be achieved in different ways in different communities, and I think that will be the task, to look at the variety of opportunities that are out there in getting parents involved through parent councils. That would be one of them.

The Chair: Mr Silipo?

Mr Tony Silipo (Dovercourt): We'll defer our time until after the government members. 1020

The Chair: Do the government members have any questions?

Mr Baird: I just have two short issues. Obviously you bring a perspective to the Education Improvement Commission with respect to your background specifically in the separate school system in Ontario. I just noticed, in looking over your résumé, that earlier in your career you were a principal at a high school in my board in Carleton outside of Ottawa.

What sort of perspective do you think your involvement in Catholic education would bring the commission? I look at the Carleton Roman Catholic school board in my constituency and the question of the degree of fairness and equity in terms of funding that children who just happen to be born in a Catholic household would get so much demonstrably less money in the Carleton Roman Catholic school board. They spend 40% less than the

Ottawa public board.

Beyond having a very sound administrative background, the teachers in that system also bring a commitment to Catholic education. While they could simply work across the street at a public school and make demonstrably more money, they obviously bring a level of commitment to Catholic education that certainly benefits the children, that level of commitment. What sort of thoughts do you have in terms of your background in separate education that you could bring to the commission?

Mr Obee: With regard to my background in the separate school system, of course that's where the bulk of my experience has been. However, I would like to think that I would be on the commission to represent all students in Ontario. My knowledge lies in the area of education — education for students, not just separate school students.

The concepts you mention, however, of fairness and equity I think apply across the province of Ontario.

Excellence in education is what we're striving for, and we should settle for nothing less and it shouldn't be categorized. There are several systems in this province which reflect different perspectives. The public school system, the separate school system and the Frenchlanguage system all have unique contributions to make to the Ontario mosaic, but all have that common purpose: to provide an excellent education. That's what I hope I would bring. If fairness and equity are a hallmark of what I bring, I would be very satisfied with that.

Mr Baird: The second issue I wanted to solicit your views on is parent councils. One of the strongest messages I've heard from constituents in my riding is that parents want a bigger role in education and want the opportunity to have a greater voice in that system. What sort of perspective would you bring in terms of parent councils to work on the EIC?

Mr Obee: I think I suggested to Ms McLeod that parents are, in my view, the first educators. Other educators, those in the school system, are given the trust of parents. There are a number of studies which indicate that the degree to which the home supports the school, there will be an enhanced and increased effectiveness of education, and the degree to which the home and school can form a sense of community, a sense of common values, of common understandings, education is enhanced. I think that speaks to a tremendously important role for parents. There's no doubt about that in my mind.

Structures such as parent councils are somewhat formal structures designed to achieve that end. I don't think it's sufficient to leave it at just that. I think there have to be initiatives which would promote involvement of parents in wide variety of ways, and that has occurred across the province. I think we need to look at best practices, collect those, enhance them and promote them.

Mrs Julia Munro (Durham-York): Given your own experience professionally and as a trustee and so forth, and obviously wishing to become a member of the EIC, how would like to be remembered as a member of the first commission? What specific things do you see as potential areas that you'd want to be remembered for initiating?

Mr Obee: I must admit I haven't thought of it in exactly that way, but if I was remembered as a commissioner who dealt with issues on the basis of issues, of the information that was available, on fairness and equity and had the focus of keeping the students at the forefront of every decision, I guess maybe the memory that I would like that comes to mind is the conscience of the commission for the students.

Mr R. Gary Stewart (Peterborough): Your credentials are tremendous, sir. One of the concerns that I have: Health care and interest in this province are two of the big expenditures. Next to that is education, and education has been constantly going up over the last 10 or 15 years. You've been part of the system for 10 to 15 years and my question to you is, what have you done regarding restructuring in the past and where do you see us restructuring in the future?

One thing: You made a comment that education has to constantly be around a student. I appreciate that and yes, you have. But also there are taxpayers out there who are

extremely concerned and have been for a lot of years. Where do you see you getting involved with restructuring and what have you done in the past with it?

Mr Obee: My involvement in restructuring for the future of course will be through the commission, and that's one of the reasons I found the position appealing, because it can influence education and it would provide an opportunity for me to influence the influences.

What have I done in the past? I cannot say that all of the taxpayers in our area are happy with the school board that I'm now director of, but I can say that we do demonstrate, I think, superior fiscal restraint and produce excellent educational results. We are the second-lowest-spending board in the province at the present time and our test results would indicate that we are maintaining provincial standards and exceeding them.

The Chair: We will revert back now to Mr Silipo.

Mr Silipo: Mr Obee, you talked earlier about the change in school boards, the shift that's happening now being another paradigm shift, comparing it to the event that took place in the late 1960s. I'd be interested, however, in your thoughts about whether this is a shift that you endorse, support. Do you go into the commission as someone who is supportive of what is being done here or do you go into the commission as someone who has some concerns about what's happening?

Mr Obee: In terms of my role on the commission, I would be somewhat frustrated to anticipate agreeing or not agreeing. This is legislation. At the present time, it's not for me to suggest the legislation is appropriate or inappropriate. It's legislation that's been put in place and the commission has been asked to find ways to make it work to enhance the education. I certainly believe there are many opportunities for reshaping education in the province, and I've tried to do that throughout my career. This is an opportunity to do that once again.

Mr Silipo: I guess you're not going to tell us whether you like it or don't like it. That's fine. That's for you to decide in terms of how you answer that.

Let me come at one aspect of that shift to get at this issue. Do you think the system as it has been re-established now is actually going to be able to continue to deliver the kind of quality education we all want to see? You talked earlier about the importance of parental involvement. You talked earlier about a variety of issues. What I want to get to is, can we make the changes that the present government is proposing and still maintain, let alone improve, the quality of education in the province? 1030

Mr Obee: I can assure you that I would not be involved in anything which I felt was going to fail.

Mr Silipo: All right. Let me take a look at what is happening in your area of the province, the Simcoe County Roman Catholic Separate School Board. Is it changing dramatically under the new boundary proposals?

Mr Obee: I wouldn't say dramatically.

Mr Silipo: If you were to have a school board that would take into its jurisdiction the present Simcoe County Board of Education, and let's say, the two adjoining boards, Dufferin-Peel and — what would be the other one, Halton? All together you'd have, what, around 300,000 students, roughly?

Mr Obee: I think it would be slightly less; maybe 100,000 in separate schools.

Mr Silipo: Oh, I'm sorry. All right. I was using the other numbers, on the public school side.

What I was getting at is, is there a point at which, on the question of the school board sizes, you lose that ability by parents to have any kind of impact, and more importantly, by school trustees, to have any real say in what actually is going on in setting policy for the local school boards?

Mr Obee: It depends tremendously on the types of structures you put in place. For instance, to use an example that is somewhat similar: If you had a small community like Hornepayne in a very large area, will those parents in that area take more interest, be more involved in the school? I think they probably will, or there's the potential for that if you give them the opportunity and provide them with structures.

Whether that particular example will work or not, I'm not sure, but I do see potential for the creation of structures that will enhance parental involvement, bring parents closer to the school. When there is that kind of commitment and involvement, those who are administering on a different level — possibly even a different level than we think of today for trustees — will listen to those communities. I believe that's our democratic system.

Mr Silipo: What about the trustee role? Can that be effectively exercised when you have such massive school boards, such massive structures that are being set up?

Mr Obee: It depends on what the expectations are for trustees.

Mr Silipo: How do you see a trustee being able to do an effective job in a jurisdiction in which he or she will have responsibility for representing some 25 different schools in a total jurisdiction of 300,000 students, which is the case here in Metropolitan Toronto?

Mr Obee: Again, there will have to be structures which accommodate that type of input, much as our government runs. Members represent large geographic areas, very large, and do a fine job of that because there are structures that are in place to provide for the input, to provide for the collection of information and data.

Mr Silipo: Do you agree, Mr Obee, with the minister's definition of what constitutes out-of-classroom expenditures, things, as I'm sure that you know, which he in his opinion includes, such as school libraries, teachers' preparation time, custodial and maintenance services? Do you agree with that definition of out-of-classroom expenditure?

Mr Obee: It depends on what you mean by out-ofclassroom expenses, if you mean that they are essential for education or non-essential for education.

Mr Silipo: Come on, Mr Obee, the assumption the minister is making when he puts out that statement is that you can cut out-of-classroom expenditures. What I'm asking you is, do you agree that school libraries and teachers' preparation time, just to cite two things, are fair items to include in the out-of-classroom definition?

Mr Obee: Again, I would come back to my former answer and your explanation of what you meant. You said the minister was assuming that you could cut out-of-classroom expenditures. I would not agree that you can

cut libraries out of schools, if that's the suggestion you're making.

Mr Silipo: We've now had about, what, some \$400 million, \$500 million, up to \$1 billion, depending on which numbers you use, cut out of the overall expenditure of the system. Do you believe that any more significant cuts can be made of that kind of magnitude — let's say, half a billion to a billion dollars — can be cut from the overall system without affecting the quality of education?

Mr Obee: I believe that what you have to do is take the resources that are available to you and make the best use of those resources. I think that the decision regarding whether or not the resources are available is in the hands of those who are in government.

Mr Silipo: One last question, or maybe two, Mr Obee. It's a question that I ask of everyone who appears here. Do you belong now or have you ever belonged to a political party?

Mr Obee: No.

Mr Silipo: Have you ever donated to a political party or members of a political party?

Mr Obee: I don't believe so.

The Chair: Thank you. That wraps up the time for exchanging views with Mr Obee. We thank you for coming before the committee this morning. We appreciate it.

ARLENE WRIGHT

Review of intended appointment, selected by the third party: Arlene Wright, intended appointee as part-time member of the Education Improvement Commission.

The Chair: Mrs Wright, welcome to the committee. You've seen how the process unfolds. Would you like to make any opening comments before we get into the questions?

Mrs Arlene Wright: Thank you very much, Mr Chairman, and good morning. I would like to give you what I believe are the qualifications that would enable me to do a good job as a commissioner on the EIC. I have had 14 years' experience as a trustee, representing the city of Owen Sound. I was first elected in 1980. In 1981 and 1982 I chaired negotiations for all of the unions, both teaching unions and non-teaching unions. In 1983-84 I was vice-chair of the board, and as such, chair of the finance committee. From 1985 to 1989 I chaired the Grey county board and again in 1991 to 1993 I was chair of the board.

In 1987-88 I was president of the Ontario Public School Trustees' Association. I was instrumental in the amalgamation of the three trustee organizations in the province which have come to be known as the Ontario Public School Boards' Association. In 1989 I was the first president elected to the Ontario Public School Boards' Association. I was also the winner of the Dr Harry Paikin award as the outstanding trustee in 1991. During my tenure I have participated as a member of the negotiating team negotiating pay equity on behalf of the public schools with FWTAO. During the social contract I was at the public school educational sector table.

I'm very familiar with school-based decision-making. I'm very familiar with school advisory councils or parent councils. I have visited school boards in Kenora, Tim-

mins, eastern Ontario, southwestern Ontario and central Ontario, both during my role as president of the two associations and, later on, as an independent consultant when I was putting on workshops for both trustees and administrators.

I very much believe that this qualifies me for the position. I have a very keen ongoing interest in what happens in education in the province, as I have five grandchildren that will be in the system come September and I do care what happens to them.

The Chair: Thank you, Mrs Wright. We'll begin with the official opposition.

1040

Mrs McLeod: There can be no question about your credibility, your credentials or the contribution you've already made to public education, which is why I'm troubled about the use the government is about to make of somebody who has a real commitment to public education.

I am absolutely convinced that the commission is going to be a front, a cover for a government that is determined to bring forth its agenda, which is fewer politicians, ie, fewer trustees; more control over education, both governance and funding, so that there can be imposed cuts on education with others being left to carry the ball for that and the responsibility for it, including to some extent the EIC; dealing with teachers and other employees' salaries through its collective bargaining legislation. None of this will be under the control of the EIC. Yet you will be there, along with Mr Obee, along with others who have outstanding credentials as people committed to public education, as sort of the government's cover for what I believe is an all-out attack on public education.

I guess then my question to you is, what is your comfort level with the powers that have been given to the EIC to override decisions of locally elected trustees, particularly in areas of current year budgets and capital plans? I'll let you answer that one, and then I'm going to ask you a little bit more about your sense of the role of the trustees under this new model.

Mrs Wright: I certainly have gone over the legislation and I hope I am very familiar with it. It would be inappropriate for me to comment on the legislation, but I would hope that my role at the EIC would be as a watchdog to make sure that the students in the classroom are not going to suffer over this, that in fact we can carry on and make the changes that are going to be made without any effect in the classroom, or as little effect as possible. I just do not want to see an upheaval for any of the children we have in our system at this time and, as a commissioner, I would do my level best to promote that.

Mrs McLeod: There was absolutely no doubt in my mind that your willingness to serve on the commission, as with Mr Obee's, would be for exactly that reason: to attempt to make what is to be work more effectively for students. My frustration, and I'm afraid it will end up being yours, is that the government is really going to tie your hands so that there's not going to be very much effect.

We see that in a couple of ways. Let me ask you about those specifically. We see it already. Let me give you three ways. I raised board boundaries with Mr Obee, where the EIC nominally was able to give advice on the breaking up of one of the most outrageous of the board boundaries but has not been able to give advice on the breaking up of any of the other board boundaries. These boards are not workable. They're just too big with too few trustees for there to be any really meaningful access.

The fact is that the ministry is taking over all of the funding, which means that the trustees are going to have no local funding accountability at all. They're going to be the scapegoats. As Lynn Peterson said at another hearing, "It's going to be a question of centralized decisionmaking and decentralized blame." The trustees are virtually being totally disempowered, yet the EIC is being asked to make recommendations as to the new role of the trustee and role of parent councils in relationship to that.

What's to decide about the role of the trustee? The ministry has already directed that. Do you see any meaningful role that the EIC can advise the minister on?

Mrs Wright: Yes, I do. I just want to preface my comments by saying, during my 14 years as trustee and also as president I have been very frustrated with all governments that have been in place over education -

Mrs McLeod: I agree. I've spent 17 years fighting them myself.

Mrs Wright: — yet we've managed to work through these and we've managed to work through them in a way that the children have not suffered in the province with education. I see that being my role as well.

As to the role of the trustee, I believe it's changing. I left the board in Grey county three years ago. I did not seek re-election because I felt at that time that the role was changing and that the trustee was going to become more of an Ombudsman in the education process. I believe there will be a role for a trustee, there'll be a

As well, I believe that the community councils, as I have been known to call them because we've got very active community councils where I come from, have had more input into the system through their trustee, and I see that as continuing. I see that the trustee is going to be there, is going to be necessary to act as an Ombudsman between the councils in the school and the board. I think we can ensure that. It's going to take a lot of communication. It's going to cause us all to work better together.

Mrs McLeod: I hope you will discuss that view and your hope with the trustees out there who see themselves as having absolutely no clout against a government that has already taken over \$500 million out of education and clearly intends to take more. If you don't have any control at all over any of the funding, you just end up being very frustrated at the lousy decisions you get left having to make at the local level.

I want to be sure I get to a couple of the areas where I know you have some real expertise and you have done a lot of collective bargaining from the trustee side of the table. Again, it's an area where I thought the EIC might have been given some genuine advisory capacity to the ministry because, as I suggested with Mr Obee, one of the huge challenges for the new amalgamated board is to deal with the harmonization of the different contracts.

The legislation on school employees — I know you were here when I was raising the question with Mr Obee,

so you're well aware of it too — essentially I think puts trustees in a no-win situation. You've got to decide at the beginning of the process whether you think you can have a collective agreement reached or whether you take the responsibility as a local school trustee of unilaterally suspending your employees' right to strike. I can't believe that is going to create the kind of conditions in which there can be effective local bargaining go on, and I'd like your comments on that.

Mrs Wright: The EIC, in my understanding, will not have an active role to play with the contractual issues between either the teachers or the non-teaching groups. However, we will have, I believe, a role in communication. I believe it will be up to us to ensure that there is communication between the groups. I think it will be up to us to be there to help them through the situations. I know as a member of the commission I will care very deeply about what does happen, because if there is strife in the workplace, there will be strife in the classroom. We want to do our very best to ensure that things go smoothly and that the children do not suffer.

Mrs McLeod: Good luck. I think you're in for a lot of

frustration.

The Chair: Anything else from the official opposition? Mr Silipo: Good morning, Mrs Wright. You said earlier that — I think I'm quoting you correctly — it's inappropriate for you to comment on the legislation. Why would you say that?

Mrs Wright: The legislation is in place so obviously there's nothing I can do about the legislation.. My role will be to fulfil the obligations of that legislation.

Mr Silipo: I understand that, but I want to ask you, as I asked Mr Obee, do you go into this position as someone who is supportive of what the legislation attempts to do or someone who has concerns about it?

Mrs Wright: I'm not sure there's been a piece of legislation that any government has passed that hasn't had concerns in it for those involved in education. I believe, though, that since the legislation is in place I would see my role as fulfilling the obligations of that in the best way I can.

Mr Silipo: All right. Let me pursue this with you. The reason I pursue it more aggressively with you than with Mr Obee is because you're currently a school trustee. I think that -

Mrs Wright: No, sir, I'm not currently a school

Mr Silipo: I'm sorry. You were a school trustee, so in that sense you've played a different kind of role than Mr Obee has as a school administrator. When you decided to apply or to discuss, with whomever you did, your interest in this position, was it again with a view that here was an opportunity for you to make some contribution to improving the system, or was it with a view to saying, "Here's something where I can offer my services because there are these various issues that need to be addressed and I can provide some assistance and some input into that"?

Mrs Wright: Yes, I would take your latter and I would like to explain why. When I left the board three years ago, I did not seek re-election. I come from Grey county, and at that time we had spent a year on a proposed amalgamation between Grey county and Bruce county. With the help of the district office out of London, we had met many times with the chairs of the boards, the trustees of the boards, the administration of the boards, trying to find ways that we could work together, and we were looking at a possible amalgamation. That was three

years ago.

We had combined such things as purchasing and transportation management. We did that because we knew we were not going to be receiving money for education and we needed the money for the classrooms. We were looking at ways to save money for the board other than raiding the classroom. I felt when this came up that I have had some experience in that. I do it for the right reasons, because I believe the money has to come from areas other than from the classroom. I hope that answers your question.

1050

Mr Silipo: Do you believe we can take another \$500 million to \$1 billion out of the funding of the system without hurting the quality of what we do in the classroom?

Mrs Wright: I would like to have the opportunity to see if there are ways to save more money. At this point, I'm not familiar with any ways that are left.

Mr Silipo: Do you agree with the minister's definition

of out-of-classroom expenditures?

Mrs Wright: I did not hear the minister say that. I understand from what you're saying that he has made the

assumption that these are —

Mr Silipo: He has used, on more than one public occasion — I think I'm stating fact here; I certainly am not misquoting — the definition used by Mr Sweeney, I believe, and then used again by the Ernst and Young study. The out-of-classroom expenditure category included such items as school libraries, teachers' preparation time, custodial and maintenance services. Do you agree that those are things that should be in that category of out-of-classroom expenditures?

Mrs Wright: Perhaps they're looking at it in a different context than a school trustee would look at it. If they're looking from outside in, they may have that view; if you're looking from inside out, you may have a

different view.

Mr Silipo: If you're the current minister and you want to make the argument that you're spending too much money outside of the classroom, I suppose it would help to make that category as large as possible by including those items and then making the argument that you can cut without hurting the classroom.

As you compare the role of trustee you've had for a number of years to what you see as the role of a trustee under the new system, what benefits and drawbacks to the system and, at the end of the day, to the quality of what goes on in the classroom will come from that?

Mrs Wright: There are different views around the province. All school boards are different. There are some school boards where the trustees do very little more than attend a board meeting and look at the information and make decisions on what is put in front of them. There are other areas in the province where trustees have very much a hands-on experience, where they are actually involved in the schools and in the decisions being made in the schools.

I tend to believe that the trustee's role should be that of setting policy, not enacting policy. I believe the trustees are there to make the decisions but not to follow through on the decisions.

Mr Silipo: What do you expect to see coming out of the new funding formula we're going to get over the next

number of months?

Mrs Wright: I have personal feelings about funding formulas. I'm not familiar with what the funding formula is coming from the ministry, but a number of years ago our board presented a document to the then Minister of Education, Dave Cooke. It was called the Funding of Education Foundation, Foundation Plus, in which we advocated funding the foundation basis of education and leaving the other costs that do not deal with base education up to the various areas to support.

I believe that all children in this province are entitled to the same education: There has to be equality among

the students in the province.

Mr Silipo: Mrs Wright, I'll ask you, as I did Mr Obee and everyone else, are you a member of any political party?

Mrs Wright: Yes, I am. Mr Silipo: Which party?

Mrs Wright: The Progressive Conservative Party. I have been since 1953.

Mr Silipo: Okay. One of the tasks the commission will have is to look at the whole issue of outsourcing of non-instructional services. Could you comment on that?

Mrs Wright: Yes. "Outsourcing" is sort of a buzzword that's been — there are lots of ways to outsource. There's outsourcing of purchasing, outsourcing of purchasing materials, purchasing services. I very much believe this is something that should be left out to individual boards.

In some areas the outsourcing of purchasing material is working very well and in some areas the outsourcing of services is working very well, but that's not necessarily good for all areas. I think we need to take a look at individual areas.

The Chair: We now go to the government members.

Mr Stewart: How did you find out about this appointment?

Mrs Wright: I believe in late February I received a call from Ann Vanstone and Dave Cooke asking me if I would be interested in applying. I gave it careful consideration and called my member of Parliament and asked him to find out some information for me. I then sent my résumé down to the Ministry of Education. A few weeks later I came down for an interview, waited about six or seven weeks before I heard —

Mr Stewart: And here you are. Mrs Wright: And here I am.

Mr Stewart: I was going to ask you the same question I asked Mr Obee. You've been involved with the system a long time. Between health care and, as I've mentioned before, the \$9 billion in interest payments we make every year — and you've been part of a progression of greater and greater expense in education. Now, all of a sudden, we are looking at new and better ways to restructure and do it. My thought was, what have you done in the past? It appears to me that you have been very much on track;

you've been on stride. The unfortunate part is that past governments have not been.

One of the things I was concerned about is that, in my mind, over the years trustees have been fund-raisers, basically. They've been so concentrated on funding and budgets and everything that they've forgotten a little bit about concentrating on education and their role of setting policy.

Do you feel this is a reasonable analogy? Do you want to elaborate a little bit on your comment about the role of trustees in the future? I think that is so important. They've got to be set aside a little to make sure they are concentrating on that.

Mrs Wright: I should say, with all due respect, that I've never felt that trustees have received the respect they should have received in the past. I think trustees have worked very hard.

One of the reasons I decided not to seek re-election was that I found I was becoming more of a tax collector and I missed being in the classroom. The reason I became a trustee was because I was very interested in what went on in the classroom.

Yes, I do believe the role has changed over the years. I certainly welcome an opportunity for those people who are truly interested in education to once again be able to be involved in the classroom.

The Chair: Mr Stewart, any other questions? If not, Mrs Wright, thank you very much for appearing before the committee and responding to the queries. Good luck.

DIANNE BALLAM

Review of intended appointment, selected by third party: Dianne Ballam, intended appointee as full-time member and vice-chair, Workers' Compensation Appeals Tribunal.

The Chair: The next intended appointment is Dianne Ballam. Welcome to the committee. If you wish to make any opening comments, now is the time to do it.

Ms Dianne Ballam: Briefly, I was born and raised in Victoria county. I grew up on a family farm. I come from four or five generations of farmers, working-class people, and I live on the farm still myself.

I initially was qualified in social services; I have a social services diploma. I worked in a variety of social welfare areas, both in government and non-governmental areas, for a number of years. While doing that, I got the inclination to pick up a law degree or to go and learn law, so I applied for and was fortunate enough to be accepted at Queen's University law school, Kingston, Ontario, as a mature student. I started there in 1986. I graduated with honours. I supported myself through school, through various ventures. I participated in the work bursary program and a number of other things and supported myself.

I was called to the bar on March 22, 1991. I chose to practise as a sole practitioner, and I have from 1991 to the current date. I have always been involved in my community or any community I'm living in. I have been very active in volunteer work as well as my other work.

In my practice, I make it a point — I feel it's an obligation and a duty of lawyers; I know not all agree —

to regularly provide pro bono legal services to a variety of people in the community in regard to a number of areas.

1100

I am personally committed to fairness, honesty and providing service to my community. I feel my training and experience in law, in dealing with people from all walks of life, and my commitment to service to the community will be valuable assets in this position if I am chosen by the committee.

I have experience, through my various work backgrounds, with rating submissions and reports, with making legal decisions, with applying facts to law in assessing evidence, with reading and applying statutes.

I have worked in government in the past, albeit not for a number of years now. I was fortunate last year; I had applied and was accepted into the master of law program at Queen's University in Belfast, Northern Ireland, to study human rights. It's a very restricted program and I was very honoured to be accepted. Unfortunately, due to last-minute personal situations that arose through family illness, I couldn't attend, but I had been accepted into the program and had passed whatever criteria they have. I'm not sure even what those are.

I look forward to the challenge and honour of serving on the Workers' Compensation Appeal Tribunal if approved by this committee.

The Chair: The first questions are from the third

party.

Mr Peter Kormos (Welland-Thorold): Thank you, Ms Ballam. I should preface any questions by indicating that your résumé is impressive, no two ways about it.

One of the criteria, though, by which appointees are chosen, is familiarity with the workers' compensation system. So I suppose we'll start there. What experience have you had with workers' comp or with WCAT?

Ms Ballam: I've had no direct experience with WCAT. Because I've chosen to live in the area I do, it is not viable to practise labour law in that area. I understand, Mr Kormos, that you have a legal background, so you can appreciate that. I do, however, regularly see people — because of course we get injured workers there like anywhere else. I see those people on a regular basis. I have never charged one of those people for any advice or services, and I refer them to the local injured workers union; I've referred a number of people and continue to do so. I believe any of the people I've referred have been very pleased with the service they've got.

In addition, if I can assist them in any way by making phone calls or — sometimes there are other peripheral issues that arise out of the injury. Some may wish to look into whether they have possible lawsuits against employers for other things, such as harassment or those issues. I've always assisted in that area when I can.

I don't practise labour law because I chose to live where I do. If I were living in the city, it would have been an option. It wasn't where I chose to be.

I've also had a number of clients on workers' compensation through various reasons. I've also defended people, because my practice was based primarily on criminal law, who have been charged with fraud on either the workers' compensation or social welfare as a result of problems

that arose. I had to develop some familiarity with the systems and their pay structures and items like that as a result

In terms of other aspects of it, in determining or looking at injuries, I sit on the local legal aid area committee. One of the things we are required to do, and it seems to be more frequent than it used to be, is to have appeals from persons who may have been turned down for legal aid initially. One of the things we look at are submissions from the lawyers who are going to be doing an appeal to workers' compensation, providing the evidence and factual basis upon which they are going to be basing their appeal, and we therefore make a decision on the merits of those appeals, whether to grant legal aid or not.

That's probably the bulk of what I've done.

Mr Kormos: Are you going to be shutting down your

law firm if you're appointed?

Ms Ballam: What I say at this point is I'm taking leave. I won't be there, and I'm not going to be doing anything or generating any income. I've arranged for another criminal lawyer to come in to take over the practice. My main concern was that there wouldn't be anyone there to service the clients who have become dependent on and trust me. I picked a person to come in, and I'm giving it to him; I'm not charging him. It was on the condition that he has to look after the people correctly, and if he doesn't he has to leave. That's what I'm doing with my practice.

Mr Kormos: I appreciate what you told us about your first consideration, successful, was the master's program in Northern Ireland. How did you come about applying

for this position?

Ms Ballam: I had actually sent my application to the public appointments office probably two years ago — it might even have been three, but I would say it's more around two years ago — indicating at that time I was interested in returning to doing some sort of public service or working in government again. I made it known that I was interested and willing to do that if an appropriate position came up that I felt I could contribute to. I was then contacted and told there was an opening, would I be interested? I said, "Yes, I would be interested," and that's how I ended up here today.

Mr Kormos: And there's nothing wrong with doing this. You heard the previous appointee speak about calling her local member to make further inquiries after she had been contacted. Did you utilize your local

member?

Ms Ballam: No, I haven't called him. In fact, he hasn't been around. I think he was in Poland, so I couldn't have got hold of him if I wanted to. I think he was on a trade mission at the time this all arrived. Mr Hodgson is my member in Victoria-Haliburton and I don't think he was here.

Mr Kormos: In Poland? I understand Mr Hodgson has this strong affinity with Polish culture. I wasn't aware of that junket. We're going to have to follow up on that,

Chair.

I'll be quite candid with you, and if I didn't ask it, Mr Silipo would, because the election finances commissioner's records show three contributions from you to either your local Tory candidate or your local Tory riding association in the election of 1995.

Ms Ballam: Actually, I think I made a total of three contributions to the party of \$100 each time. That's the sum total of my contributions to that group.

Mr Kormos: You'd better check that out when you get your receipts, because the election finances commissioner has records of \$200 each time.

Ms Ballam: Oh, I'd better check that out.

Mr Kormos: It's cash in the bank.

Ms Ballam: It's possible, Mr Kormos. I thought I gave them \$100, but I may have been more generous than I thought on that.

Mr Kormos: Have you taken a look at Bill 99, which as you know has generated a whole lot of concern?

Ms Ballam: I have looked at it very briefly. I'll admit I haven't read the entire act. I have scanned through. I read some of the press releases. I had some material that I read from the injured workers union. There were some articles. So I have read articles and some material.

Mr Kormos: What's your view about the manner in which it destroys the independence of WCAT? You'd be familiar with those concepts very much, I'm sure.

Ms Ballam: I was just going to say that if I answered that question, Mr Kormos, I would be destroying my independence as a potential adjudicator on the WCAT, because for me to comment at this point and give a personal opinion I think would affect my impartiality or what has to be an unbiased adjudication of the matters as they come before me. So I really can't comment on that.

Mr Kormos: Do you look forward to being in a quasijudicial position where you haven't got the independence?

Ms Ballam: I look forward to being in the position, if I'm successful. From my reading, I don't see where the independence is going to be challenged or impinged.

Mr Kormos: But you're aware of the growth of the relationship between WCAT and WCB in terms of WCAT having expanded, for instance, on areas of, let's

say, chronic stress.

Ms Ballam: Yes, I'm aware that there has really been divergence between the two bodies. It is probably going to be a healthy thing at times that our government has a system where you can have divergence within a similar system and those avenues of appeal.

Mr Kormos: The intention is to make WCAT bound by directives of the WCB.

Ms Ballam: My reading is not that it would be bound — it is still the final body of appeal — but that there would be consultation. There is to be certainly a lot of attention paid to the rulings or the decisions that are made by WCB, but the final ruling is still at WCAT and it is not bound by those decisions. It would be a similar situation where I believe in our criminal court system the courts defer to the other courts whenever possible. They certainly give serious respect to the decision and only overturn it if it's something they feel they absolutely cannot live with.

Mr Kormos: You and I will probably disagree, but one of the specific goals or purposes of Bill 99 will be to ensure that WCAT will be required to adhere to WCB policies in adjudicating appeals. That is a far cry from merely being a guide.

Was this your only choice of appointment or did you offer your services — again, I'm not quarrelling with the fact that you did that and that you made decisions about your career and the progress of your career. Was WCAT the only tribunal you were interested in?

Ms Ballam: No, Mr Kormos. I had made myself available for public service. I was contacted with this and they asked, would I be interested? I thought about it and thought yes, although I must say that at the time I said yes I had no idea we were about to get into the hailstorm we are into, but that comes with the position. It's an interesting time and it just coincided with a time when, for whatever reason, I seem to have had an increasing number of people coming to me in dealing with these issues. I've had more involvement probably in the last year than I'd had perhaps in two years before that with compensation and injury-related issues.

The Chair: You're just about out of time.

Mr Kormos: I'm just about out of time? Well, "just about" means a minute and a half.

The Chair: Final question.

Mr Kormos: Thank you. I'm looking at the criteria. "Extensive professional experience": don't quarrel, can't quarrel with your background. "Highly developed personal skills and attributes": again, no quarrel whatsoever. The part I find bothersome — and other people may want to address it — and I'm being straight with you, is "familiarity with the workers' compensation system."

It seems to me that WCAT members are going to be put into some incredibly difficult positions, especially with Bill 99. I invite other members in their comments with you to address the demand for familiarity with the workers' compensation system. I appreciate you've been very straight in telling us the extent of that. I'm concerned that there are other people out there who have a more in-depth grasp and a more intimate understanding. I'm just concerned about that; I tell you that in candour. With respect to the other areas, you're exemplary. I have no hesitation. You know that; you knew you were exemplary.

Mr Baird: Thank you very much, Ms Ballam, for coming to talk to us this morning. I wanted to get some thoughts in terms of the background and perspective you bring to WCAT. I think there has been some criticism in the past that it's too Toronto-focused and isn't perhaps as representative of the province as it could otherwise be. What sort of perspective do you think you'd bring as a member of the tribunal coming from rural, small-town Ontario and coming from not just a strong background in law but as well social services and obviously a terrific amount of advocacy work through your efforts working with the John Howard Society?

Ms Ballam: Actually, it's not just the John Howard Society. I think my entire life or my career has been devoted to advocacy in some form or another, and my volunteer work on that as well. I've always enjoyed that and been able to provide assistance in that. I think those skills and just exposure to the broad range of people whom I deal with and have dealt with over the years — and I've dealt with everything from very powerful,

wealthy people to very poor and "powerless" people, or people who have been put in situations where they're made to feel powerless, and have assisted all those people and dealt with issues.

I think behind all of that is an underlying — I suppose it addresses in some ways Mr Kormos's concern. My assessment of what is most important in a position such as the vice-chairperson of WCAT is someone who is — first of all, I believe the legal training's very important because you have to be able to read the statutes and understand them and then apply the evidence and the facts to the statutes and vice versa. To do that, to understand facts and evidence properly, I believe it's of great assistance to have dealt with a broad variety of people.

I am certainly familiar with cities. I've been in them. I've had to live in them for various times. I was in school, writing my bar exams, studying here. I lived in Toronto while I did that. But I also have very deep roots in rural Ontario and small-town Ontario, and I've met those people from all walks of life. Workers' compensation doesn't just affect people in Toronto. It's all over the province, in all walks of life. I think I have a broad base of experience with those people and those people trust me. I have helped them and they feel comfortable with me, and I hope to be able to use my same fairness, impartiality and common sense to assist on the compensation appeals tribunal.

Mr Baird: Obviously the role of the WCB is an important one. Economically, both for workers and employers, it's a big issue, but even greater than that is the tremendous social cost it has on the people and their families and communities. Have you ever advocated on behalf of injured workers in your professional life or your social services background?

Ms Ballam: Yes, I have, Mr Baird. At one point, I referred so many injured workers to the injured workers union that they were sending messengers back to find out who was this lawyer who's sending all these people and where did she come from. I wasn't aware that they were in Lindsay for a while. When I became aware of their existence, I sent a large number of people.

Also, as I was telling Mr Kormos, I have helped people in any way I can and I have never charged them because I feel that those people mostly are at very weak times of their lives and they're being hit from every angle often, economically, physically, emotionally, all different areas, and so I've assisted them in whatever way I could at no cost.

In fairness, I'm not trying to blow my own horn. I haven't actually commenced litigation on their behalf, because I don't do an extensive labour practice, but I will make phone calls and connect them with labour lawyers; or if it's simply a matter of trying to cut through red tape, I do that for them. I'll make those phone calls or make the referrals.

Haliburton county: I go there once a week as the fulltime duty counsel and I've sort of evolved that role into almost a legal clinic issue because there are very limited services in Haliburton county. People have just learned that they can contact me and I get them on a variety of sometimes strange issues and I advocate on their behalf and help them just cutting through and learning what proper channels to follow and what resources are there to

tap into.

Mr Baird: You're obviously very familiar with the legal process, the rules of evidence, the formal hearing process. Just in some response to my colleagues in the third party — they were talking about specific WCB legislation and policy — in your experience, when you go before a formal judicial or quasi-judicial body, do you think it's appropriate that the judge, the person overseeing the trial, give their personal views before they hear any evidence?

Ms Ballam: Oh, absolutely not. That should never occur. I don't believe personal views should be given at any point by the adjudicator. If I'm chosen for this position, fortunate enough and accepted, I lose the right at that point to express personal opinions, as far as I'm

concerned.

Chief Justice Antonio Lamer of the Supreme Court of Canada stated that's one of the prices you pay when you're in a position like that, that you don't make your personal opinions public. You keep them to yourself. You must be unbiased and you must listen to things openly. People coming before the tribunal, whether it be a worker or the employer, have to not think that the adjudicator has some preconceived notions or a prior agenda before they're hearing the case.

Mr Baird: You wouldn't want to compromise that

independence this morning.

Ms Ballam: I wouldn't compromise that. I've never in my life and I'm not going to compromise it now.

Mr Richard Patten (Ottawa Centre): Good morning, Ms Ballam. You have an impressive background and certainly a positive attitude. I've seen many people over the years join a commission or join a board and in the line of duty lose some of the enthusiasm and shine because they're dealing with major structures. What I would like to ask you, though, in a minute or two are things related to WCAT.

Ms Ballam: Certainly.

Mr Patten: I would suggest that prior to the appointment it's fair ball to make comment. Of course I appreciate your position that you are not going to make any radical statements one way or another, I would imagine, but in line with what my colleague from Nepean said about a judge prior to becoming a judge, that it's fair to talk about the justice system generally, not a specific case, which I don't think my colleague had suggested earlier, I see that as the context today, that you have said you have been doing some reading about the board, that it's undergoing change, even prior to the implementation of Bill 99, and that you've done some reading on Bill 99.

I ask if you have been following the hearings. There was one Monday afternoon — it wasn't in this room; it was downstairs — and there will be one this afternoon.

Are you following those hearings?

Ms Ballam: I'll just address your first comment, that a judge, prior to becoming a judge, can comment. A potential judicial candidate cannot, and I put myself in that role. If I were strictly Dianne Ballam, barrister and solicitor, and not coming forward as a potential candidate, I could answer your questions and would probably go on

ad nauseam to you, but I cannot and will not because I think it would jeopardize the position.

In terms of following the hearings, unfortunately I've been tied up in a sentencing hearing in the General Division and I haven't watched. The only thing I was able to watch, late the other night, was a news clip that showed some of the hearing that had to be adjourned early because there was a disruption. I read a little piece in the paper this morning, but unfortunately I haven't been in the real world to be able to do this for the last two days.

Mr Patten: We were able to complete the work of the committee on Monday afternoon.

Ms Ballam: Oh, good.

Mr Patten: There were a few interludes, however,

during the course of the hearings.

I would like to present this to you: Again, I am sensitive to your sensitivities. It has to do with WCAT. The minister herself said on Monday afternoon that she welcomed suggestions that relate to the concerns that have been raised, both by employees and employers, related to the role of WCAT in relation to the board. There have been a number of papers and a number of consultants who have all raised these questions. Believe me, when a minister, in putting forth a bill, makes the comment that she or he is prepared to entertain amendments to a section, that means they are acknowledging there is a problem there, that there is something that needs to be rectified. Bottom line: Everyone wants to see it work. We want to see the whole system work well.

I, for one, am concerned about WCAT's role for two reasons, in that some will say this takes away what I think you would want to be able to do as a member of that tribunal, that you would want to have the necessary required elbow room to function in order to serve, to see that justice is done and that if compensation is rewarded, it's done fairly. Some people fear that may not be able to be done and that's why we're in this kind of situation today.

Let me ask you this: If you were appointed and you found that the policies of the board conflicted with your professional judgement and your humane values as a person attempting to serve her community, what would you do?

Ms Ballam: If I felt that it was in direct violation with my ethics, my personal value system, I would resign.

Mr Patten: Okay. That's a pretty straightforward, honest answer.

Ms Ballam: I've done it in the past.

Mr Patten: Good for you. Another path that has been there before is simply the function of the tribunal being able to decide and recommend to the board that a particular policy, or after a while a set of decisions that the board has made, really conflicts with either the act or the law or what's perceived to be fairness in rendered decisions. This is the area in which I think we may have some recommendations.

I personally do not have as big a worry as others related to your shortage of experience there because your history shows your enthusiasm and I think you can learn on the job. I think you'd have to do some studying beforehand and some reading, as much as you can, but I

think you can make up for that with enthusiasm and hard work. That seems to be present.

Have you read about any of the changes to date that are going on right now, as we speak, at WCB?

Ms Ballam: I've read more in terms of the internal changes they are trying to implement at WCAT because when that was specifically — I'm aware of some of the changes at the WCB, but I concentrated more on some of the internal situations at WCAT to try to reduce the burgeoning backlog. That's certainly a problem, that it's increasing faster than they're clearing it, and that's not good for anybody, and some of the steps the current chairperson has implemented to try to deal with that as soon as they can. So I'm aware of those issues.

WCB: I'm aware of some of the changes I've read about and I read some papers. I understand some things are very much in a state of flux. There's a lot of rumour and innuendo that some things may be done. It's not cast in stone and so there's a great turmoil because people aren't sure what's going on or how they're going to be assessed or who's going to be making decisions.

Mr Michael Gravelle (Port Arthur): Let me just follow up on something that Mr Patten was talking about and I think Mr Kormos was as well. This happens frequently, actually, when we have appointees to boards or commissions in the sense of saying, "I really don't feel I can comment on this because it's inappropriate and I'll be going to a position that's quasi-judicial or that's going to have a judgement, so I can't comment on my opinion in terms of legislation."

The question I have, and I've asked it before of others too, is, would you feel it's part of your responsibilities not only to administer what you need to administer and to respond as sensitively as you can, but to also look at the process when you're in that position and potentially to make recommendations, in other words, to look and see how the process works and say, "This may be flawed"? Do you view it as being one of the responsibilities of vice-chair, even internally — I don't mean strictly in terms of being an advocate but to look at it in those terms, or to simply follow the orders?

It's a significant point and an important point, and it's a role that I believe someone — I think you've shown great sensitivity and great awareness for that, but I believe that's a role that could be very useful to all sides.

Ms Ballam: That's always a tricky issue. I get myself in lots of situations because of this, but my practice is that the statute is there, and I'm to take my knowledge and my skill and my ability and apply the statute to the fact as I see it. I'm going to make a judgement and ruling, and it isn't going to be myself so much who's going to have a problem with that, it will be whoever is not happy with what judgement or ruling I'm making. It will probably be that person or persons coming to me saying why did I make that ruling or that judgement, and then it will be up to me to justify and have the confidence and strength to say I made this judgement for these reasons and I'm standing with my judgement.

Mr Gravelle: You don't think it's at all your role, potentially or otherwise, to look at it and say, "These are some things that I think could be changed in terms of what the statutes are"? Because you obviously are going

to be in a position of great sensitivity. I think it could certainly come to a situation where you can see how the statutes work, in essence, against what could be a legitimate case. Those kind of situations happen. I think as a lawyer you would see that all the time in terms of the legal system.

I happen to believe that people who are being appointed to positions such as yours, not just in terms of WCAT, may have a greater role to play than they tend to be able to say or are willing to say at this process here. I don't think it's irresponsible, and I don't think it's one that the government would find inappropriate either.

Ms Ballam: I was just going to say, if there was an occasion that arose, and I'm sure it will take a while for me to even get to that point, where I thought I could make some positive comment or positive suggestions, certainly I would be willing to do that. I have never hesitated.

The Chair: That completes the time for our chat with Ms Ballam. Thank you very much for appearing before the committee. We can now proceed to deal with the concurrences on the intended appointments.

1130

Mr Bert Johnson (Perth): I'd like to move concurrence in the appointment of Mearl Obee.

The Chair: You've heard the motion. Any comment on Mr Johnson's motion?

Mr Baird: I would briefly point out on that one and acknowledge that I was pleased the member for Fort William, Mrs McLeod, separated the person's qualifications, as someone who's made a contribution to public education, from the concerns of the commission, which I found to be a fair observation, because obviously the gentleman has made a significant contribution in a whole host of posts in the public education system in the province, and in my judgement that makes him a qualified individual.

Mr Silipo: I just want to indicate I will be supporting Mr Obee's appointment. I had some concerns about his hesitation to deal with some of the questions we put to him, but I do understand his approach, particularly as a senior administrator in the system. I wish him well. I think his experience will be useful on the commission. Certainly this is a commission, as we've stated in the past, that we don't believe should exist because of the work it's about to do, but I believe Mr Obee will at least be able to bring some assistance to the group and some help as they try to sort out the incredible issues the government has put before them.

Mr Patten: I would like to say that there's no question about the qualifications of the candidate. My hesitation is with the structure, not with the qualifications of the individual. I'll be reluctantly supporting it, because I do not agree with the function, which I believe is a responsibility of the government and ministry in this particular case, and I think this will make it very awkward and very difficult for people with qualifications such as yours to play a role in a situation that will be mitigating things that I'm sure you've cared about all your life. I will reluctantly support it on that basis, not because I don't support the qualifications and honour and respect what the person brings to the table, which I do.

Mr Gravelle: Let me add a comment or two as well. Rather than speaking on Ms Wright's appointment too, which we will also support, I think Mrs McLeod expressed the concerns we have, that we believe the commission is in essence using these people who have spent their lives caring very much about education, very much about students, and clearly have made a determination themselves that there is a useful role they can play. We suspect that it won't work out and that they'll be disappointed. But we do wish them a great deal of luck. We don't think the commission should be there. We fear that there's just not a significant role they will be able to play, but on behalf of Mrs McLeod as well, and she said it, I have a great deal of respect for Mr Obee, and speaking in advance of the next appointment, for Ms Wright obviously. We hope there is some role they can · play but fear that will not be the case.

The Chair: Is the committee ready to vote?

Mr Stewart: Could I request a recorded vote, please.

Aves

Baird, Doyle, Elliott, Gravelle, Guzzo, Bert Johnson, Kormos, Patten, Silipo, Stewart.

The Chair: It's a unanimous vote in favour. Thank you for that.

Mr Bert Johnson: I'd like to move concurrence in the appointment of Arlene Wright, the intended member of the EIC.

Mr Silipo: I certainly will be supporting this appointment. I was pleased that Ms Wright was a little bit more outspoken in terms of her concerns. I think she brings some useful perspective to this body in understanding, as a former school trustee, the issues that have to be dealt with. I wish her well in what is going to be an incredibly difficult job.

The Chair: Thank you. Any other comments? Are you ready for the question on Mr Johnson's motion?

Mr Stewart: Could I also request a recorded vote, please.

Ayes

Baird, Doyle, Elliott, Gravelle, Guzzo, Bert Johnson, Kormos, Patten, Silipo, Stewart.

The Chair: It's unanimous. Thank you for that. Is there another motion?

Mr Baird: I would move concurrence in the appointment of Dianne Ballam to the Workers' Compensation

Appeals Tribunal.

Mr Baird: I got Ms Ballam's résumé and initially when I heard she was not a lifelong lawyer who dealt with WCAT and workers' compensation appeals and compensation issues entirely, it was a concern to me. However, I'm extremely impressed by her extensive background in social services and the tremendous amount of advocacy work that she has done, not only working in the public social services field, but also working for the John Howard Society.

I think the perspective that she could bring from rural Ontario, from small-town Ontario, as someone who lives on a farm would be a good and different perspective. I

know as a member from outside of Toronto there's always the concern among certain sections of the province that too many people from Toronto serve on these central agencies, and I'm always pleased to see representatives from outside the city of Toronto working with those in Toronto. It's a good representation of the population as a whole, and I think Ms Ballam is an impressive individual who would make a tremendous contribution to the process.

Mr Kormos: I've got to tell you, Chair, we've had some great concerns about the manner in which this government has been effectively staffing WCAT for some period of time now. You'll recall that the leader of the New Democratic Party raised in the House during question period the crass politicization of the process. That's not to say that patronage is unique to this government. This government does it better than some other governments have done it, and more thoroughly, but we understand patronage.

However, there has been a pattern of appointments to the WCAT of people who have been clearly Tory supporters, financial supporters of the Tory party, but who have no significant background in either workers' issues or specifically with WCB and WCAT. Ms Ballam was quite candid in acknowledging that, and I agree with Mr Baird when he speaks about an impressive background and an impressive résumé. However, the government's own criterion for appointment to WCAT is familiarity with the workers' compensation system. Surely that means more than simply a passing familiarity with the fact that there is a Workers' Compensation Act and that people can refer it here or there.

All of us certainly in the New Democratic Party, and others may want to join in, are extremely concerned about the future of injured workers under the regime proposed by Bill 99. I was concerned about Ms Ballam's interpretation of Bill 99 to the extent that it did not create a new structure, wherein the WCAT did not have the independence from the WCB that it had developed and demonstrated over the course of the last 15 years or so. 1140

Our view clearly is that the act is designed to rein in the WCAT, to destroy its independence, to destroy its capacity to interpret the legislation and rather to bind it by interpretative guidelines. That I say is a very dangerous course. Again, I'm sensitive to how Ms Ballam responded to her questions about her views. She was disinclined to state them.

I join with our Liberal colleagues when they point out that it's one thing to express personal views after one has an appointment and it's another thing to express personal views before one has an appointment. This committee process doesn't have a whole lot of history in this province — I'm talking about the exercise of reviewing appointments — but there is no doubt that it's, to some extent, based on models in other places, and if we take a look at those models, we realize that this committee is very modest in the types of personal views it elicits or seeks from appointees.

Quite frankly, I think everybody has expressed disappointment that the committee doesn't have an opportunity to spend more time with not all appointees but significant numbers of them, because I think it's important to understand that people enter even judicial and quasijudicial positions with personal views, with an agenda, with previous history. Quite frankly, working people in this province have been victims for a long time as a result of judiciary, among others, including others in quasi-judicial positions, who argue independence in the mere role of statutory interpretation.

Horsefeathers. You know better, Chair. Any trade unionist, any working person, any injured worker who has followed the progress of litigation both in courts and before the WCAT over a number of years, and indeed decades, understands that there has been, fortunately, a growth and a development of a sensitivity to workers' rights, up until the election of this government, for the

other callings.

I want to make it very clear, as we did in our conversation with Ms Ballam, that in every respect she shows outstanding qualities. Let's understand she's applying and she's entitled to apply for a position as a full-time vicechair; I understand that. She's entitled to do that. However, when the government's own criteria refer to the need for a familiarity with the workers' compensation system, I suggest to you that's a familiarity that transcends merely knowing that the act exists but also means some direct contact with it. This candidate doesn't have that, and there are thousands of people across this province who have had that type of experience.

Being a lawyer surely, and I think perhaps with WCAT more so than any other tribunal I can think of, isn't necessarily a selling point. My experience, and I'm confident the experience of most people, is that it has been non-lawyers, by and large, who have demonstrated the greatest ability to advocate for injured workers. That's not to suggest that lawyers from time to time haven't risen to the occasion, but some of our greatest advocates for injured workers and some of the most effective members of WCAT have been people without traditional legal training and experience. That in itself is not a prerequisite, as it would be for, I suspect, any number of

Let me put it this way: Government has the power to make partisan appointments, and it clearly chooses to exercise that power. We in the New Democratic Party have acquiesced in a number of partisan appointments, protested a large number of them but acquiesced in a number of them, recognizing that the other qualifications are met. In that case you're dealing with both partisanship and patronage, with an element of meritocracy.

On June 4 Howie Hampton questioned the Minister of Labour. He said, "My question concerns democracy and respect for democratic processes and respect for independent quasi-tribunals and the fact that you are now packing the Workers' Compensation Appeals Tribunal with people who know nothing about workers' compensation but who are generous contributors to the Conservative Party."

The question obviously was in relationship to the firing of Ron Ellis, chair of the Workers' Compensation Appeals Tribunal. Mr Ellis had complied, and expected the government to comply, with the practice of referrals for appointment to the board from the chair. Mr Ellis, just like chairs of district health councils across the province

and a few other persons in that position, became increasingly frustrated at the fact that the government persistently ignored not just the protocol but the stated procedure and circumvented the process and appointed people of its own choosing.

As the government can engage in partisan decisionmaking and they clearly have a majority here today, I suspect without any hesitation Ms Ballam will receive approval for her appointment. I'm going to tell you, Chair, that we will not, in view of the great danger and the great risk that injured workers are being put to in this

province by this government.

We expect to be able to know which side appointments to WCAT are on, and I don't think that's inappropriate at all. I'm not going to support any appointment to WCAT who won't come out clearly indicating that they're prepared to be, in their role as members of the Workers' Compensation Appeals Tribunal, there as persons who are prepared to safeguard injured workers' rights in a regime that clearly seeks to diminish the rights of injured workers; that they are not going to be there to herald and support injured workers and working people in general, when those people are under attack by Bill 99 and the incredible fallout that Bill 99 is going to take with it.

Is that being partisan? You bet your boots it's being partisan. But when we've got a choice to make — this government wants to be on the side of the bosses, wants to relieve them of the responsibility for considerable amounts of money and do it on the backs of injured workers. This government has picked a side. We've picked a side too. We're standing with the injured workers. That means not just in the Legislature, not just in front of Queen's Park and not just in committees, communities, workplaces and union halls across this province, but in this committee when it comes time to appoint people to WCAT as well.

Mr Patten: I appreciate the comments of my colleague from the New Democratic Party. However, there is a degree of fluidity at the moment in terms of the future of WCAT by virtue of the legislation which will guide the

role it has to play.

My impression is that Ms Ballam is a gutsy lady. I think if there were things that turned out to be redundant or a sham, as she said, she would resign. Her background shows she had shown some concern for injured workers and referred injured workers either to the union or to other areas at no cost. There are not too many lawyers who do that, who have appointments and make referrals and don't charge people. She said she had not done that.

I will follow my intuition. I feel that this person has an enthusiasm that may turn out to be justifiable in the end. I hope it is and I hope my intuition is correct. Her background, which shows a tremendous amount of hard work and effort, would lead me to side with supporting her, and I'm prepared to do so.

Mr Silipo: Like Mr Kormos, I have some serious concerns about the question of familiarity with the workers' compensation system that Ms Ballam has or doesn't have, in this case. I think we're stressing that point particularly because it's such a clear criterion that the government sets out; in fact it's the first criterion.

Ms Ballam's other attributes are clear in terms of her professional experience and her personal skills, which are the other pieces of the criteria. But these are criteria the government has set. To have someone go into the position of vice-chair of a tribunal as important as this, particularly at this point in time, who doesn't have, by her own admission, any direct familiarity with the workers' compensation system would be wrong.

It's clear that if this were to be coming to a vote, those of us who have taken this position would likely be outvoted. What I would like to do, in the hope that it gives people some time to reflect, is to request, as I believe I'm allowed to under the standing orders, that the vote on this appointment be deferred for one week and that time be used for people to reflect upon this issue, because I think it's a very significant departure from the kind of situation we've faced in the past.

We have, as Mr Kormos has said, objected to some appointments. We've supported many appointments in the past, regardless of what political affiliation individuals have had, when we felt that they came well qualified. In this case, we have some serious concerns about one of the key criteria the government itself sets out, which is

familiarity with the system the person is going to be adjudicating over. We think it's something that shouldn't proceed. Rather than trying to proceed with a vote today, I'd like to request that the vote be deferred and hope that in the intervening time people reflect on that and do the right thing.

The Chair: As members know, I'm sure, that is a request that is completely in order. The committee must comply with that request for a seven-day deferral. It doesn't require a vote or any such thing. That request has been made by Mr Silipo, and therefore the committee will comply with that request and vote on the concurrence of Ms Ballam next Wednesday. That's the way it works. Next Wednesday we'll deal with the concurrence vote, the deferral that has been requested. Thank you for that.

There are two items of business, very briefly. First, I believe the clerk sent a notice saying that the subcommittee should meet very briefly after this meeting. Second, next week we need to start at 9:30 because there are four people coming before the committee. That's the scheduling. Thank you very much for that.

The committee adjourned at 1153.

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Journal des débats (Hansard)

Mercredi 25 juin 1997

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



Chair: Floyd Laughren Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 25 June 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 25 juin 1997

The committee met at 0941 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): The committee will come to order. We have four intended appointees this morning, but first we must deal with the subcommittee report.

Mr John R. Baird (Nepean): I move the adoption of

the subcommittee report dated June 19.

The Chair: You've heard the motion. All agreed? It's

Mr Baird: Mr Chair, consideration of my motion of the last meeting with respect to Dianne Ballam is not on the agenda. Should I assume that's at the end of the agenda?

The Chair: Yes, when we do the concurrences we'll

do that. It'll be up first.

Mr Baird: Terrific. Thank you.

INTENDED APPOINTMENTS

BETTY MOSELEY-WILLIAMS

Review of intended appointment, selected by third party: Betty Moseley-Williams, intended appointee as part-time member, Education Improvement Commission.

The Chair: Let's move to the intended appointments. The first is Betty Moseley-Williams to the Education Improvement Commission. Mrs Moseley-Williams, if you would take a seat at the table, we have a tradition of allowing you to make any opening comments you'd like to make and then we have questions from members of the committee. Welcome.

Mrs Betty Moseley-Williams: Thank you. Good morning, Mr Chairman and members of the committee. I appreciate this opportunity to tell you a little bit about me, about my experience and knowledge and why I think this would enable me to be a good commissioner for the Education Improvement Commission.

I have been involved in education for most of my adult life, and all areas of education of course have involved big changes. I have been a trustee with the Nipissing District Roman Catholic Separate School Board for 26 years. During the terms I have been on the board, I have chaired and negotiated with all the employee groups, both the union and the non-union, for about 10 or 12 years.

I served as chair of the board and chair of the English section of our board for four terms in each position. I chaired the management and finance committee, most of the building committees. I was involved in and chaired the different partnership community groups. Some exam-

ples of those are the pay and employment equity groups, the establishment of an EAP program, the introduction of French immersion, the peaceful schools committee, child abuse protocols and community school programs for our area.

When I was first elected, the boards were still struggling with the amalgamations of 1969. For many of the northern boards, they had created some pretty severe problems. We needed an organization structure which recognized the two language groups as equal. I was the anglophone member of a two-member committee which drew up the aims and objectives the board has operated under for the past 15 years.

I've served as the president of the Ontario Separate School Trustees' Association for two terms and I was the first vice-president of the Canadian Catholic School

Trustees' Association for the past two years.

I was one of the founding members of the Northern Ontario Catholic Curriculum Co-operative and the Northern Centre for Instructional Leadership. I have chaired both groups up until recently. The curriculum cooperative involves all the Catholic school boards from Nipissing to the Manitoba border, and the Nipissing centre for instructional leadership involves all the boards, public and separate, within the mid-north and the northeast region of Ontario.

I did the beginning organization to establish the LTAB in the districts of Nipissing and north. I think the most difficult part there was to find all the players and identify

them.

While I was the president of OSSTA, I was a representative to the ministry Transition Years study group, and I was appointed to the College of Teachers implementation committee by the former government, an experience which I enjoyed very much.

I have worked with all the Catholic boards in Ontario, negotiated with them on some difficult issues they were having in their own areas, and I've worked with many of the boards of education and all the francophone sections of the province. I bring a good understanding of the school systems across the province and I think the respect of the education community.

The Chair: Thank you very much. Perhaps today we could start with the official opposition.

Mrs Lyn McLeod (Fort William): Surely. Thanks

very much, Mr Laughren.

Betty, it's nice to see you. I can assure you that your reputation and your stature in terms of your service as a trustee override the fact that there might be any suspicions about your coming from the riding of the leader of the province. Let me put your mind at rest about that right at the outset. There's absolutely no doubt about

your background and your qualifications to sit on the EIC. Because we've had a lot of concerns about Bill 104, the amalgamation, the way it's been done and the powers given to the EIC, I'll acknowledge it's been somewhat reassuring to see the stature of the people who are coming on to the commission.

The questions I'd like to ask you today are more along the lines of what you think you're going to be able to do as a commissioner. My worry is that these very strong people such as yourself are really being put in a position where there's not going to be very much you can do, and it's going to be very frustrating, given your commitment to education.

Let me start with the difference between the 1969 amalgamations — I was around as a trustee for those too — and what's happening right now. In 1969 we had huge numbers of very small, single-school boards, and the amalgamations that went on were regional groupings; they made a whole lot of sense to people. Even then, obviously, there was a sense of loss for those small, single-school boards. This one is different. Coming from northern Ontario you well know some of the boundary challenges that are going to be faced, but they're not exclusive to northern Ontario. For instance, one of the groups of separate school boards, the Frontenac-Lennox-Addington boards, are extremely concerned about the workability of their boards, given geographic size.

I wonder if you'd comment on what you think your role as a commissioner will be in terms of still having some opportunity to start to make those board boundaries workable, because in many areas they simply aren't workable.

Mrs Moseley-Williams: I think it was very difficult in different areas to work on the boundaries in 1969, even though they may have seemed to make sense at the time. They did not make sense in northeastern Ontario. As part of the commission, through consultation and talking with the people involved, what I would like to see is that these changes go forward — they're legislated changes — with as little disruption as possible to the kids in the classroom. I would see our role as being the watchdog that would look at what's going on in the classroom and how it would be affected.

Mrs McLeod: I think you just successfully avoided answering the question I asked you, which is whether, coming on to the commission, you have any sense of whether there is still some openness on the part of the minister and the government for recommendations from people like yourself, who know the kinds of challenges that are going to be faced, even geographically, by these huge boards.

Mrs Moseley-Williams: My understanding, because I'm not a member of the commission at this time, is that the recommendations have gone forward for some changes and they have happened. My understanding is that all consultation can go on but that the boundaries are probably in place.

Mrs McLeod: So the only change is going to be the one you saw on the northwest.

Mrs Moseley-Williams: I think there can be consultation and discussion and take it back.

Mrs McLeod: I appreciate that. You've made a statement that none of us would argue with, that you

want to see any changes done with a minimum of disruption to students. I don't think anybody can avoid the kind of disruption to students we're going to see on a number of fronts. If there's time, I'll come back to the ways in which the commission might be able to help to mitigate some of the chaos that's going to be out there.

Because of your trustee background, I'd like to focus a little more specifically on the role of the trustee, as you see it, and your comfort level in helping to oversee this transition. The boards are large. They're large either geographically or in terms of numbers of students. There are fewer trustees. It's going to be much more difficult for there to be access to the local trustee. If we have time, I'd like to talk to you about how we ensure native or student representation that can be effective in any way. But all this is happening at the same time as the trustees are not going to have any direct funding responsibility. They are going to be given the dollars and told, "You solve the problems." Where do you see the role of trustee? How do you see that changing? Where do you see it going in the next few years?

Mrs Moseley-Williams: The trustees will be responsible for more policymaking, not to do the day-to-day in the schools but to have broad policies and to consult with the community to put the policies in place within the ministry guidelines of the programs.

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Mrs McLeod: Don't you see that as being a no-win situation for the trustees? I mean, you've been there. Lynn Peterson from the public board described it as being centralized decision-making and decentralized blame: The minister gives the dollars, there aren't enough dollars, and the trustees are the ones who get blamed for the decisions that have to be made.

Mrs Moseley-Williams: In some areas in Canada where it has happened, the trustees find they are spending more time concerned with education issues than they were before.

Mrs McLeod: It's interesting. I'm not sure there are areas of Canada where it's happened quite like this.

Mrs Moseley-Williams: The Alberta trustees are finding they are spending more time on educational issues, with the quality of education.

Mrs McLeod: A very different province in terms of numbers of students and size of jurisdictions for the boards: I can't remember if it's half the number of boards we will have per capita that Alberta has. We're still dealing with very different geographical and population entities.

Let me ask you about student representation. One of the things boards have worked towards is to have some student representation on school boards. We were successful in having an amendment brought to the legislation — I think that amendment ended up staying; if not, I think there's some assurance that it will be dealt with in the future — so there can be a student representative. How feasible do you think it is to have student representation on boards where the student might have to travel as much as 200 kilometres to get to a board meeting?

Mrs Moseley-Williams: It's going to be a lot of travelling for anybody. To have students on boards — some boards have moved in that direction and I think it

will be a good direction, but I don't think it is going to

happen right now.

Mrs McLeod: I think the other difficulty is going to be where you get multiple communities. There are some boards where individual communities will not have a single elected representative, so how would you choose a student? How would you decide which board, which school gets to choose a student representative to these new amalgamated boards? I realize the questions are somewhat premature when you haven't been on the commission.

I think Nipissing, certainly the public board, is in a unique situation. I'm not sure if the separate board is in quite the same situation. Somehow the Nipissing area was blessed by not having quite as broadly based an amalgamation as most of the rest of the province.

Mrs Moseley-Williams: No, Nipissing has a very

small amalgamation.

Mrs McLeod: Yes.

Mrs Moseley-Williams: I lost the question. I'm sorry. Mrs McLeod: It is difficult. For reasons on which I will not speculate, Nipissing escaped some of what faces the rest of the province. I think of an area like the one just east of me in Thunder Bay, which you would probably know, where there are multiple communities. How do you even choose a student from all those? How do you decide which community gets to pick the student?

Mrs Moseley-Williams: I can't give you an answer for that. I think there is a place for the consultation within the EIC mandate, if I understand it, that for boards in those grand geographic areas there will be a different way of putting trustees and members on that board to recognize those smaller areas and smaller communities.

Mrs McLeod: Is there any time left, Mr Chair?

The Chair: One minute.

Mrs McLeod: Here's a question you can't answer in 60 seconds, Betty, but I'll put it on the table anyway. One of the reasons separate school trustees have been cautiously supportive of this initiative is because it came with the promise of equity funding, which a lot of us have wanted to see for a very long time. The scepticism that gets attached to this is, how do you really meet the needs of students when you have even less money than there was before and when clearly these amalgamations are not going to save dollars, by the minister's own admission, not enough dollars to make up for the cuts?

Mrs Moseley-Williams: OSSTA has been supportive and they have talked with boards and met with them. The idea of equity in funding, where the playing field is a little more level, is certainly very attractive. As to working with fewer dollars, the OSSTA, as far back as when I was president, was having meetings to discuss, how are we going to work with less money and how are we going to provide services? The two groups I talked about came as a direct result of that. I think we will work with fewer dollars. We've done it before and we will have to —

Mrs McLeod: So the whole system will work with fewer dollars and some areas will benefit by getting money out of Toronto?

Mrs Moseley-Williams: I don't know about that.

The Chair: Are there any questions from the government members?

Mr R. Gary Stewart (Peterborough): Good morning. I'm very concerned about restructuring, have been in a lot of areas, whether it be municipal or trustees or whatever. As I look through your résumé, you've been involved in the system for some 20-odd years. One of the biggest concerns I have is with folks who are now coming into kind of a new age, as I call it, of restructuring, which is very much different from what you've had to do in the last 20 years. How involved with restructuring have you been within the Nipissing board over the last 20 years? Certainly the perception of the public out there these days is that past boards have overspent and overadministered and all those things. My concern is where the folks who have had some background on restructuring see it going, and how well it will be accepted, the new route we are going.

Mrs Moseley-Williams: We've been fairly successful at restructuring in boards, primarily because of not having a lot of money, so you restructure pretty quickly. It has been done in a way of sharing services with both the public school boards and with all the boards within—with us, it would be the northeast or the northern region. The board I was involved with did our restructuring over the past six to eight years to look at how we ran the board. Last year, because of that restructuring, we were able to employ 35 people we needed because we had moved around some of our supervisory and the way we did our administration. It takes a lot of work, but it

happens.

Mr Stewart: You've been fairly involved or, I understand, a supporter of the parent-teacher councils. Could you comment on parental involvement? I'm also a great

supporter of that, and I think it has to happen.

Mrs Moseley-Williams: I'm a very strong supporter of school councils and of the parents' right and expectation that their voice would have validity in the schools. I am like everybody else: I am trying to work through where that role is going to end up, but what I want is for them, the parents of the students, to know that theirs is the first voice we want to hear and that they have a very strong right to be part of the decision-making of that school. We are not all comfortable with that, but I think that's where we have to go. It's right for the kids and it's right for the parents.

The Chair: Comments or questions? If not, Mrs Moseley-Williams, thank you very much for coming before the committee this morning. You'll be hearing

from the committee.

Mrs Moseley-Williams: Thank you very much. I probably didn't have to buy such a big bottle of Maalox.

PETER CAMERON

Review of intended appointment, selected by third party: Peter Cameron, intended appointee as full-time member, Education Improvement Commission.

The Chair: The second intended appointment is Peter Cameron to the same commission, the Education Improvement Commission. Mr Cameron, we welcome you this morning. If you wish to make any opening comments, now's the time to do it.

Mr Peter Cameron: Thank you, Chair, and thank you all for inviting me to be here. Just to get things started,

I'd like to say that from discussions with others in the government, my understanding of the reason for my being proposed as candidate for the Education Improvement Commission is that I could bring a business perspective to the affairs and deliberations of the commission.

I've been in business all my working life. In the last 20 years, I have been chief executive of two Canadian companies, operating mostly in Canada and the United States. Latterly, I have acted as chief executive and senior consultant to two other major corporations, operating in both Canada and globally, one of which was as chair of Canada Post. I have acted as consultant, adviser to international investors in a major acquisition of a Canadian company, worked with senior company personnel developing a 10-year strategic plan for a Canadian magazine publishing group, and a number of other assignments. 1000

Of the skills and experiences required by a CEO to function effectively on a daily basis, I believe those relating to restructuring, to planning, organization development, human relations, labour relations, communications and financial planning are those which I could bring to the commission, plus perhaps an overarching experience and capability to keep focused on the critical elements of the commission's mandate.

What I do not bring is a detailed knowledge or experience of the education area. I am generally aware of the government's initiative to improve education for our children and our grandchildren. As a grandfather of six myself, I would have to support any actions which can be taken to improve the education they are receiving or will receive.

Frankly, I would have to rely on personal study, my fellow commissioners and the co-chairs to help me acquire the required levels of knowledge of the education system's processes, problems and opportunities, the education area as a whole. I have been assured that that help will be forthcoming. Fortunately, I'm a quick study, and I do not anticipate spending very long to pick up the kind of background information I will need.

Perhaps I might conclude by saying that if education dollars can be saved by streamlining and restructuring the administrative and support system and be redirected to benefit the children in the classrooms of this province, I'm happy to try and bring to bear the experience I have gained over a long and satisfying business career to try and make that happen.

The Chair: Thank you, Mr Cameron. Because Mr Kormos has just come in, perhaps we could flip and go to the government members first.

Mr Baird: We would defer to the opposition at this time

The Chair: All right. Mrs McLeod?

Mrs McLeod: If I defer, there's going to be a real problem. I'm happy to lead off. Once again, Mr Cameron, let me assure you that I for one do not see the purpose of these hearings as being to challenge the personal credentials of the people who are coming before us. Although you've acknowledged that you don't have a background in education, I can see from your résumé that there's no question about your background in terms

of your community commitment or your involvement in organizational change, which we most certainly respect.

If the hearings serve a purpose under those circumstances, from my perspective it would be to see to what extent people who are coming on to this commission bring a critical approach to the work that's going to be done. That's the direction of my questions. I appreciate your opening comments that you are at a point where you are about to learn and won't pretend to have all the answers about educational systems.

However, I would think that coming on to the commission, accepting the responsibility — and it is a fairly significant responsibility, because this is a very critical time for education — you must have some sense of what you think the education system needs or some sense of comfort or discomfort with the legislation you're about to oversee. I wonder if you'd just comment on your sense of what it is you're undertaking.

Mr Cameron: I must admit, as you have observed and I have observed, my knowledge of the subject is pretty basic. I do have six grandchildren, as I mentioned. I watch and listen to the stories of the kids at school. I can't help but hear the criticisms of parents. I don't know precisely what the problem is, but I sense that we need to refocus on our kids arriving at grade 12, I guess it will be, with the kind of education that will enable them to either join the workforce successfully or proceed to university to achieve a higher level of education.

To the extent that this commission can direct more dollars by achieving efficiencies in, shall I say, the infrastructure or system, I would be in favour, so long as those dollars did end up back in the classroom and did try to achieve a better, higher standard of education for those kids than perhaps they are now getting.

Mrs McLeod: Is it fair to say, then, that your overall perception would be somewhat in line with the minister's belief that the system is broken and needs to be fixed?

Mr Cameron: I'm sorry, Mrs McLeod. I'm having a tough time hearing you. I don't know whether it's the room.

Mrs McLeod: There is a fan. I think the mike was on, so I don't know if my getting closer to it makes any difference.

Mr Cameron: Maybe it does. Could you try it again? Mrs McLeod: The minister often speaks about the education system being broken. I'm wondering whether your overall perception of our education system tends to fit with that, that there are some major problems that need to be fixed.

Mr Cameron: I would not want to gainsay the minister. On my present lack of knowledge, I don't think "broken" perhaps is quite the right word to use. I don't know of any system, and that includes education, it includes the political system and it includes business, that can't stand a look every once in a while. Almost inevitably, when you do, you find ways to improve things, and that is the perspective I bring.

Mrs McLeod: You specifically touched on an area that, with your business background, you would understandably be concerned about, as we would be. That is, are there efficiencies that can be found in the system that could then be turned back to the classroom? That's the

minister's primary defence of his legislation. Would it trouble you to find, as you will if part of the background information given to you is the studies that were done for the ministry by Ernst and Young, that the best estimates of savings based on the ministry's assumptions about the savings in the amalgamations of the boards would be about \$150 million on a \$14-billion budget? Of that \$150 million, a relatively small amount is actually found from administrative savings. There's a significant amount found in savings in classroom supplies, a significant amount found in doubling and tripling up bus routes for students, custodial supplies; these are all part of what seems to be a very minimal estimate of savings. Does that trouble you, looking at a \$14-billion budget, that that is all that is going to be achieved with this rather massive amalgamation?

Mr Cameron: I'm not sure that "trouble" would be the word I would use. My experience in these things is that you start off with an estimate of what you might be able to find, and as you proceed through the work, you often find there are greater savings to be achieved and very often not exactly in the same areas you first thought you'd find them. It does seem small, I will concede, at the outset, looking at the bald figures as you stated them this morning. As I said, my guess would be that there is probably more to be found. No doubt, through the work of the committee and all those involved with the committee, there will be other savings, and perhaps they will not be in the areas that we presently envisage them.

Mrs McLeod: I stress the fact that these aren't my figures; these are the Ernst and Young consultants' reported figures. One of the things that concerns me a great deal, which I really believe the ministry and the minister have refused to address, is the preface to that report by Ernst and Young, where the consultants felt compelled to point out the fact that in many amalgamations the costs actually go up. Their concern with this amalgamation was that the costs could indeed go up because of the harmonization of services and salaries across the various jurisdictions. This is all in written form. I urge you to have a look at the report. I for one would appreciate your critical approach being brought to that.

The ministry basically says, "Don't worry, we'll control those kinds of costs," which to me suggests that the way they are going to find the dollars is to make further cuts. By the ministry's own admission, there really are not a lot of savings left to be found after a series of cuts in the education system.

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Mr Cameron: Do you want me to comment on that? Mrs McLeod: Yes.

Mr Cameron: First, having received a number of consultants' reports over a very long business career, I'm not surprised to find a caveat at the outset of the report. I think that's really quite usual. I hope there are no chartered accountants here whom I've offended by saying that.

As to the rest of your statement, I really can't comment. My experience tells me that those savings are available. They may be in the areas stated by the consultants' report and they may not be, but savings are there; that I'm sure of. Hopefully, the commission's approach to it will be to follow the premise I gave in my opening statement; that is, that the savings must be real and they

must not be harmful, and what savings are found must be redirected to the kids in the classroom, which is where the need is.

Mrs McLeod: I appreciate that very much. I would take from that, then, that you would feel that part of the responsibility of the commission would be to identify what savings are real and to acknowledge publicly what is real and what is not achievable in terms of actual administrative savings through the amalgamations you're overseeing. Is that a fair statement?

Mr Cameron: Yes.

Mrs McLeod: Good. If I have a few more moments, I also want to get into the whole area of your background in organizational restructuring and organizational change.

The Chair: You have about a minute.

Mrs McLeod: Okay. Well, you won't be able to do justice to your experience of this in a minute. As I did with Betty, I table an impossibly difficult question with 60 seconds left. I have a little bit of background in organizational change myself, and one of my beliefs has always been that it's a good idea to get the people who have to implement the change to come along with you at the beginning.

I think you're going to find it very challenging, given the fact that there was really no involvement, whether of the trustees who are about to be changed, of the teachers who are going to be on the front lines or of the parents as representatives of parent councils. Every individual parent council says it's extremely concerned about what's going to happen and what its role is in all this. I think that's going to be one of the real challenges for you as somebody who's concerned about the way in which change is implemented.

Mr Cameron: I concede that will be a challenge. One can only try and make the best of the situation that exists, and that is to hope you will be able to carry along the very best people from the former system. In so far as parents are concerned, I am aware that the minister and the government generally intend to seek the active participation in a very major way, and I as a parent certainly support that.

The Chair: We move now to Mr Kormos.

Mr Peter Kormos (Welland-Thorold): No, thank you, Chair.

The Chair: The government members had deferred — Mr Martiniuk?

Mr Gerry Martiniuk (Cambridge): I'm curious, and perhaps you can assist me. In the search for excellence, in my conversations especially with administrators, middle and upper, in the educational system, rather than school teachers, there seems to be an insecurity or a very defensive attitude to any possible critical examination of the organization. I'm wondering, because you've worked a lot with private enterprise, is that a human reaction or is it peculiar to the education system?

Mr Cameron: It's a very human reaction. It's in every organization that ever has to go through restructuring.

The Chair: Any other questions?

Mr Baird: Just a brief one. A good number of members of the commission have a significant background in education at various levels, whether it's through teaching, whether it's through the board or whether it's through public policy. Of the co-chairmen, one is a former school

trustee and chair of a board and the other is someone who has followed public policy issues in education for more than 20 years and has served as the NDP Minister of Education. There's a terrific amount of core experience, and not just of the commissioners themselves but of the staff there. I think having some people from alternative backgrounds, with some other strengths, would add tremendously to their deliberations and business.

In terms of management skills and restructuring, what sort of perspective do you think you bring to the commission's deliberations?

Mr Cameron: I'm sorry. Could you just give me the last part again?

Mr Baird: Through your management skills, in terms of work on restructuring, whether it's at Canada Post or some of the other organizations you've worked with, what sort of skill and expertise do you think you'd bring to the commission in those regards?

Mr Cameron: I guess I could sum it up by saying that those of us who have been through it understand what needs to be done and the best ways to go about doing it. Perhaps if I gave you an example of restructuring the post, by analogy you could see what might be possible in the educational field. I stress "might," because I really don't know at this point. It certainly is being restructured. What lessons can be applied from the private sector at this point I don't know, but I suspect there probably are some.

At Canada Post, it was clear that the organization was getting somewhat monolithic. Its approach to its markets was broad rather than direct, and in today's world you cannot afford to be broad. I'm sure I don't have to tell the members here that. You need to be specific, you need to target markets and you need to devote efforts to those markets. Over a lengthy period of time, about two years, we reconstructed Canada Post into five strategic business units: letter mail, ad mail, retail and so on. Within seven months of that restructuring, the post showed a profit for the first time in I believe eight years. It hit its forecast of \$21 million; in fact, it exceeded it by actually making \$24 million. The following year, incrementally, the improvement continued.

The lesson to be drawn here is that the more you can establish core businesses for an organization, the more likely you are to be successful in those businesses so that the whole becomes more successful as well.

I can't, at this juncture — I'm not even a commissioner yet; I haven't really seen the detail of the plans for the education system, but I suspect that approach can probably be used successfully to try and improve the operations of the system or infrastructure, to come back to my point, to generate dollars for the classroom.

The Chair: If there are no further comments or questions, Mr Cameron, thank you for coming before the committee this morning.

1020

KENNETH DECHERT

Review of intended appointment, selected by third party: Kenneth Dechert, intended appointee as full-time vice-chair, Workers' Compensation Appeals Tribunal.

The Chair: The next intended appointment is Mr Dechert to the Workers' Compensation Appeals Tribunal, affectionately known as WCAT throughout the land. Mr Dechert, welcome to the committee. We'd like to give you the opportunity to make any opening comments you might like to make.

Mr Kenneth Dechert: Can I have a moment to pour a glass of water first? It was a rough ride in from Hamil-

ton this morning.

The Chair: Sometimes you get a rough ride here too, but not always.

Mr Dechert: My name is Ken Dechert, and I'm here today as the intended vice-chair appointee to the Workers' Compensation Appeals Tribunal on a full-time basis.

I am a lawyer and have been practising law for 17 years, having been called to the bar of Ontario in 1980. I'm a sole practitioner in a general practice covering a wide variety of areas as both a barrister and a solicitor. These areas include criminal, family, real estate, wills and estates, administrative law, corporate, commercial and civil litigation. I have served as both defence counsel and crown prosecutor. I have experience appearing before the Criminal Injuries Compensation Board and the Consent and Capacity Review Board on behalf of clients. I feel I am a versatile and seasoned practitioner.

My court experience is extensive and wide-ranging. I have conducted many trials before a judge, and a judge and jury, and am quite familiar with presentation of evidence, witnesses and case law before the courts. I understand the fundamental rules of justice and legal principles and can apply them to the facts of any given case.

In terms of management skills, I have a great deal of experience managing a large caseload and overseeing the files to their successful completion. I have managed my own law practice for the past 15 years, and I understand both the professional and business ends of things.

My profession is law-based but is also people-based: clients, other lawyers, court personnel, police, employees in government agencies and institutions of all kinds. They are all people-based. One must understand people in order to practice law; it is the nature of it. I believe I have a reputation in the legal community in Hamilton for honesty and integrity in my dealings with people, and I have clients who have stayed with me all this time because of it.

I have served my community well as a member of various charitable organizations such as the Rotary Club of Hamilton Mountain and the Hamilton Men Teachers Choir, as well as various minor sports organizations in my home town of Ancaster.

In conclusion, I offer you 17 years of well-rounded legal experience together with good management and people skills, all of which I feel are important attributes to bring to this position. I also give you my commitment to perform the duties of vice-chair of the Workers' Compensation Appeals Tribunal with integrity and dedication.

The Chair: Thank you, Mr Dechert.

Mr Kormos: Thank you kindly, sir, and I'm going to indicate right off the bat that I agree with your assessment of your broad background in the law. Had you applied for an appointment to the bench?

Mr Dechert: I have applied, sir, yes, I have.

Mr Kormos: That application is still outstanding with the AG?

Mr Dechert: No, it's not. I didn't quite make the

interview process.

Mr Kormos: The sole issue here is the criteria for appointment. The criteria as stated by the public appointments secretariat are:

Extensive professional experience — no issue in your

Highly developed management skills. In a single-practice law firm, if you haven't got highly developed management skills you've at least got highly developed cover-up skills in terms of resolving piles of paper on your desk — no issue.

Personal attributes — no issue.

How much workers' comp work have you done?

Mr Dechert: Probably a handful of workers' comp work, to be quite frank and honest. That would be in the area of advising clients, injured workers who have come in, I'd say about five cases over a period of 17 years in practice. I haven't had any experience before the Workers' Compensation Appeals Tribunal as a counsel, nor have I been involved in a hearing before the adjudicative division.

Having said that, I do have experience in personal injury cases in civil court, I have appeared and prepared cases before the Criminal Injuries Compensation Board, and I have dealt with mental health cases with the Consent and Capacity Review Board, and before that the Mental Health Review Board, which I would suggest to you, Mr Kormos, is very much similar to the kinds of applications that would be coming to the Workers' Compensation Board for compensation of injury and assessment of personal injury, and it might even extend to mental stress issues etc.

I might indicate that I am well versed in courtroom experience, as I indicated in my opening statement. I feel I can assess evidence, I know the rules of evidence, and I feel that is going to be of great assistance to me in performing the quasi-judicial functions of this board.

Mr Kormos: Obviously, applying for a full-time position as vice-chair, you'd be shutting down your law

practice.

Mr Dechert: Yes. I'm in the process of doing that right now, perhaps in anticipation of my confirmation. If I am confirmed, I intend to have it fully wound down by the end of July. There is a colleague in my office, who is not a partner but an associate of mine, and she has agreed to assist me in taking over ongoing files, and there will be ongoing files that she will have to take over.

Mr Kormos: You show some sensitivity, I tell you, to the issues involving injured workers when you talk about stress claims. As vice-chair, and subsequent to the passage of Bill 99, what would your assessment be of

stress claims, in view of Bill 99?

Mr Dechert: I feel it would be inappropriate for me to comment on the content of Bill 99, and that's for two reasons. First of all, it's a matter that's still before the House. As an intended appointee, not yet confirmed — for that matter, even if I were confirmed — it's inappropriate for a quasi-judicial officer who is a subordinate

officer of the Legislature to give his personal views and opinions on something before the House.

Mr Kormos: Fair enough, but I'm asking you, then, you have an interest in stress claims, and I trust you feel you can deal with those fairly and appropriately as vice-chair?

Mr Dechert: I feel I can. I feel that I must come to this position with a clean slate, as any good judicial officer should, without any preconceived notions. My job is to hear the evidence, fairly assess the evidence, give the litigants before the tribunal the fair opportunity and the right to fundamental justice to present their case, without me in any way tainting my position beforehand with commentary, for me to make a fair and reasoned decision in accordance with the provisions of the current act, subsection 4(4), which talks about the real merits and justice of each case.

Mr Kormos: To its credit, WCAT has developed a process of determinations, including evaluations of stress, as compensable injuries, by virtue of its status as an independent tribunal. Do you have a commitment to that?

Mr Dechert: Once again I note that is a matter before the House in Bill 99. I'm aware that is an issue that is a matter of debate. I don't feel it appropriate for me to comment on that. I do, however, feel that any tribunal should have a degree of independence.

Mr Kormos: Your role as a federal prosecutor ended in 1994, a year after the 1993 election. I'm not overly familiar with Ancaster, but I know how it works down where I come from. Federal prosecutors tend to change with the federal government. Is that what happened in 1994?

Mr Dechert: Yes, sir.

Mr Kormos: You were drawn to the WCAT by virtue

of your interest in workers' compensation?

Mr Dechert: Not specifically, sir. I felt that at this point in my life and with my extensive legal experience, I would like to try and apply that in a different way, in an adjudicative function. I thought that would be an interesting experience. It wasn't the WCAT necessarily that I had shot for, so to speak. I expressed to the public appointments secretariat that I would be interested in being a member of a quasi-judicial body of some sort so I could get that experience. I sent my résumé some nine months ago, and about two months ago, I received a phone call from the manager asking if I would be interested in this particular position.

Mr Kormos: Having been a federal prosecutor and being aware of the somewhat obvious mode of appointment of federal prosecutors, again recognizing that that's the federal government, there is a record of a \$149.53 donation to the Conservative Party. I trust that was a dinner ticket or some sort of contribution to an event like

that.

Mr Dechert: I think that was in 1995. In preparation for this hearing, I did have a chance to check my tax records. I believe it was a dinner ticket of some sort, yes. In fact, it may have been split with my spouse.

Mr Kormos: Right, and you've used the expertise of

your member in pursuing this appointment?

Mr Dechert: No, sir.

Mr Kormos: Who is your member by the way? I have no idea.

Mr Dechert: Mr Skarica. Mr Kormos: Toni Skarica? Mr Dechert: Yes, sir.

Mr Kormos: Who left the crown's office voluntarily to pursue a political career here — a similar drop in pay.

Mr Dechert: He did, sir, yes.

1030

Mr Kormos: When you say "advisory role with respect to workers' comp issues," what do you mean?

Mr Dechert: I'm sorry, could you repeat that question?

Mr Kormos: You said you played an advisory role with respect to clients vis-à-vis workers' comp issues.

Mr Dechert: Yes. I gave general advice to them as to how to pursue their claim. From my recollection, and this goes back a while — it's been over a period of 17 years of practice — I never did eventually take the case before an adjudicator, but I assisted in the preparation of paperwork and made some telephone calls to facilitate the client's involvement, and the client took it further. In some cases I also referred the client to the legal aid clinics in Hamilton.

Mr Kormos: What's your experience with the office of the worker adviser?

Mr Dechert: None, sir.

Mr Kormos: You've not utilized the office of the worker adviser?

Mr Dechert: No, I haven't, sir.

Mr Kormos: Why not?

Mr Dechert: I just didn't think it was necessary. For me to discharge my duty to the clients who came to me for that particular issue, I was able to discharge those duties through my own research and through telephone inquiries of the board and adjusters at the board.

Mr Kormos: Are you familiar with what the office of

the worker adviser does?

Mr Dechert: I'm somewhat familiar, sir.

Mr Kormos: What is that?

Mr Dechert: It's an office that's available to injured workers to assist them in perhaps the preparation of a case and in some instances to assist them in appearing before various levels.

The Chair: Now to the government members. Any questions?

Mr Stewart: Just a couple of questions. I looked through your résumé, and certainly you have had some involvement in the community. To look at two or three, you've had involvement with the disabled, the vulnerable, the disadvantaged etc. The concentration at the moment is your lack of experience in terms of getting involved with the tribunal. Do you feel your community involvement will be of an advantage to you?

Mr Dechert: I do, sir. First of all, I feel I'm a very compassionate person. What I can indicate about my community involvement is that it's been consistent over a period of 10 or 15 years, really since I started practising law, since I took on a family and became a member of the community, outside of my school activities.

I'm a member of the Rotary Club of Hamilton Mountain. In that particular organization I've served both as community service director and secretary of that particular organization. In my capacity as community service

director I chaired a committee where charitable donation requests were brought to my attention and the committee considered them for purposes of making donations to particular charities that were worthwhile. We had to assess those charities. Some of those requests came from individuals, for example, who needed to travel far afield for medical operations and that sort of thing, and we assisted those people. I'm very proud of that. I'm also a Paul Harris Fellow of the Rotary International, which is a special award — I was awarded that one month ago; I have my pin on today, as a matter of fact — for exceptional work in Rotary and in Rotary International events.

Additionally, I'm a member of the Hamilton Men Teachers Choir. It's a charitable organization. We sing frequently at seniors' homes. We don't, with the exception of the odd time, charge a fee, but it's just a fee to cover our expenses. We have done special fund-raising events. One in particular that comes to mind is when we raised funds for the Jamaican hurricane relief some years ago.

That is some of my community involvement that I think would assist me in having an understanding and compassion for the people who I think will appear before the board — keeping in mind, however, that my prime duty is to the Legislature. As a sworn quasi-judicial officer, I must follow the rule of law, I must be bound by the legislation that sets it up, and I don't have the jurisdiction to legislate or create law. That's not my function.

Mr Stewart: Continuing with the supposed lack of experience, experience can be a bit of a detriment as well. If you look at what has happened over the last number of years where there's been such a tremendous backlog of cases, and cases that have just been ongoing and ongoing, it seems to me that with experience, doing the same thing for a long time, sometimes you become very complacent. I think that has a tremendous effect on the people we're trying to deal with. Maybe you'd like to comment on it.

You've had some experience. The gentleman we interviewed before you made the comment that he's a very fast learner and it takes other expertise to do it, to the tribunal in this case. You've had good experience as far in terms of chairing groups and so on and so forth. Do you feel you could be of assistance to move this backlog along, to assist the people in getting it done? It is just becoming a tremendous problem, maybe because of some of the experience of those who have served in the past. Maybe a new broom sweeps clean or a little fresh air might help to move things along.

Mr Dechert: I think so, sir; I think that's important. I feel that's something I can contribute to this particular tribunal, and that is that I don't come with any preconceived notions. I have been a sole general practitioner of law and I've dealt with little people, people on the street. I'm a storefront law office operation. I don't represent a lot of corporations. If so, they're small business corporations, little people.

I don't, however, come before this board with any preconceived notions in the particular area of workers' compensation. I feel my particular lack of experience in representing clients before the tribunal or the Workers' Compensation Board won't necessarily hinder my ability

to discharge my duties, because I feel I have a good background in the legal principles. It's the general legal education that's important, and that is an education where one can read legislation, apply legislation, know rules of evidence, know what's relevant, know how to assess facts and apply them to the law. I feel confident in my ability to do that.

I might add that I also feel a deep dedication to do my best to move the cases along through the system. I understand there is a backlog. If there's one comment I might make about Bill 99, it is that I think the comment about a 120-day limitation for decisions is an admirable one, and that's because we have a duty to those litigants who come before the board to not leave them hanging for extended periods of time. We as tribunal members have an obligation to fulfil that.

Mrs Lillian Ross (Hamilton West): Hi, Ken, how are you? Good to see you. One of the things the appeal tribunal must do is look at each case, as you stated, on individual merit and look at both sides of the case, both from the employer point of view and the employee point of view, to bring those together and come to an understanding of that case. As a lawyer, when you're prosecuting or when you're on the defence side, you take one point of view and that's the point of view you push. I'd like to ask your opinion on how you think you can bring that experience to this tribunal, how you will apply that to this tribunal.

Mr Dechert: As my résumé shows, Mrs Ross, in the criminal area, in any event, I've seen the issues from both sides of the fence. I've been a crown prosecutor and I've been a defence counsel for about equal periods of time. When I was a crown prosecutor I was also a defence counsel in the sense that I did crown prosecution on a part-time basis. To that end, I felt that experience was important for me to understand both sides of the fence, both sides of the issue: how to prove a case from the crown's perspective and how to test the crown's case from the defence perspective.

In workers' compensation appeals matters, it's an investigatory process as opposed to an adversarial process. To that end, having seen both sides of the fence, as I have in that extended experience in courtroom activity, I feel I can ask the appropriate questions to flesh out the issues even though the litigants may not bring those issues forward. It's an important aspect of the tribunal's work, as a rehearing body, to be able to determine the issues on the real merits and justice of the case. The only way of doing that — and it's mandated in the legislation currently — is that there be an investigatory process, and that might mean we might have to ask further questions to find out that issue.

I don't know if I answered your question, but I think I sort of have.

1040

The Chair: Sorry, Mrs Ross; we've gone over time. We move now to the official opposition.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Dechert. It's very frustrating for us, particularly on the opposition side, when people such as you come forward who are not actually willing or able to comment in terms of some pieces of legislation. I appreciate why

you can't. On the other hand, I think it's important for us to get a sense of how you feel about a variety of matters.

One of the issues that I think is really important is the fact that the WCB and WCAT have had a relationship that's been somewhat controversial, based on the fact that WCAT felt it could make interpretations and have some flexibility. Do you not agree that the whole point of WCAT — if a case is being appealed and it is going forward, shouldn't a tribunal such as that have some flexibility to not so much interpret things in a different way but to look at the facts in a different way, or there may not be particularly any real value in the tribunal being in place?

Mr Dechert: Any subordinate administrative tribunal has to follow the mandate and jurisdiction given to it by the legislation. It's not my role or function, I say respectfully to you, that I comment on how the legislation came about. If the legislation came about through the wisdom of the legislators, the tribunal must follow. That's the rule of law. Otherwise, it has no jurisdiction. I think that's the best answer I could give to you on that.

Mr Gravelle: I wouldn't argue with that. But the whole point of an appeals process is to have an opportunity to have the issue discussed at a different forum and at a different level, to be able to look at the facts perhaps not so much in a different way but in a broader-based way.

The issue to focus on is the whole issue of chronic stress. As a lawyer with criminal injuries compensation and criminal law, I'd be curious to hear your thoughts about chronic stress itself, the concept of chronic stress. You would understand the concept of chronic stress in terms of clients you've had, what effect it can have on people. I would be curious to get your personal opinion on whether you believe chronic stress, combined with other factors, can put people in a position where they can be quite specifically injured, or what effect it simply has. I would think that with your experiences you might have some thoughts on that.

Mr Dechert: I understand there are certainly trains of thought. Psychologists and psychiatrists have put down that work-related stress is a legitimate concern and a legitimate injury. There are also schools of thought that tend to weaken that.

My job is not to indicate my personal opinions. They're not expert in any event, so I wouldn't think it would be of any assistance to you or the tribunal what my personal views were on chronic stress. If the expert evidence was put before me that supported the claim, I may very well feel it's meritorious, if the legislation allowed for it. If the legislation does not allow for it, obviously it's a decision that's ultra vires. I don't have the jurisdiction to make and I would be overstepping my bounds and role as a vice-chair.

I also of course understand that under the current legislation, which I like to talk about because I know it's there, it's a tripartite panel. The tribunal has tried to encourage collegial tripartism, whereby it's hoped there can be common ground found among the three panel members. I certainly support the continuation of that type of process.

Mr Gravelle: To talk in very general terms, on what basis would a decision being appealed and going to

WCAT be overturned, be changed? Can you walk us through how you see that process? Obviously, you're not there yet, but under what circumstances might you see that a decision based on the legislation was wrongly administered, was simply not done correctly? Can you give me an example of how you see that transpiring, a case coming before WCAT?

Mr Dechert: I might indicate that if I am confirmed, I'll be going through an extensive training program, as I understand it, where I'll be seeing cases and will eventually write a mock decision I'll be graded on. I look

forward to that process.

But in answer to your question, the appeals tribunal, as I understand it right now, and as the law has directed through practice directions, through the legislation and the cases, is not a true appeal kind of process. It's a rehearing process. It is a process whereby, as I understand it, the board will render its decision, give its decision in writing. The worker or employer, if they're the party, or both, will come forward and present their case on a hearing de novo, a new hearing. We're not looking at the record to determine whether there's been an error at the lower level, if I can put it that way, to use courtroom jargon, I guess.

This is a new allowed process, a rehearing process, a new trial process, essentially. We can rehear evidence. We can hear new evidence. We can ask questions about evidence we think should be before us. In almost any kind of case, as I understand it, where the injured worker or the employer is not happy with the decision, he or she has a right to bring the matter forward. We'll have a hearing de novo and we'll decide on the merits of the case without preconceived notions, based on the evidence

we hear. I hope I've answered your question.

Mr Gravelle: You have. That's exactly how it works. I presume you have personal opinions about Bill 99 and I presume you have thoughts about it. I think that's relevant and I think it's important. I won't ask you to tell me what they are; I don't mean to be in the least bit combative. I just find it frustrating when people come before us and are not willing to talk about it. I understand the official reason why you're not, but I think it would be useful to hear your opinion on it.

I will only ask you this: You have probably looked at Bill 99. I presume you've looked at the changes happening in terms of WCAT and WCB. Do you have, outside this room and away from this table, personal opinions related to how the compensation process has worked in this province? I won't ask you to tell me what they are, but you see, I don't think it would be a terrible thing for you to tell us what they are. I don't think that would be a bad thing. I don't think it would compromise your position.

Mr Dechert: I would respectfully disagree with you. I don't think my personal views are relevant to the job I am applying for, if you will, here today. In fact, my personal views on certain specific changes would only serve to prejudice my ability to properly decide on a case. It would taint me, especially in a public body such as this, and any good judicial or quasi-judicial officer should not engage in that discourse.

The Chair: Mr Dechert, thank you for appearing before the committee today.

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IAN STRACHAN

Review of intended appointment, selected by third party and official opposition party: Ian Strachan, intended appointee as full-time chair of the Workers' Compensation Appeals Tribunal.

The Chair: Let us move to the next intended appointment, Mr Ian Strachan, also to the Workers' Compensation Appeals Tribunal. Welcome to the committee, and if you have any opening comments, please proceed.

Mr Ian Strachan: Thank you, Mr Chair. Perhaps just a brief opening statement to give the members a thumbnail sketch of my background, and I can leave most of the time for the members to ask questions.

My degrees are in economics and law. I was called to the bar in Ontario in 1971. I began my career at a firm called Osler, Hoskin and Harcourt, one of the large downtown firms, in 1969. That's where I first met Ruth and Ron Ellis. Mr Ellis, as you know, is the current chair of the tribunal. He's here this morning as my big brother, to look after me.

After about five years at Osler, Hoskin, three of us moved on and formed our own firm, basically carrying on a general practice, doing everything that came in the door. Around 1979 when I became a single parent, I formed my own firm so I could maximize the amount of time I would have to raise two very young children. That practice had a small business orientation. It was mostly a general practice. It did involve some workers' compensation, acting both for injured workers and employers, although that was certainly not a big part of the practice.

I was appointed to the appeals tribunal by the Liberal-NDP coalition government in 1985 and then reappointed by the Liberal government of Premier Peterson, the NDP government of Premier Rae and now the Progressive

Conservative government of Premier Harris.

I don't think there's too much else I can add. It may interest some of the members to know that I do come from a blue-collar background. I did put myself through university and law school by doing hard labour jobs during the summer — laying sod, working on an assembly line, driving a Coca-Cola truck — so I am familiar with the effects of hard work upon workers. I think that's about all I would say.

The Chair: Thank you, Mr Strachan. If we can move to the government members, any questions?

Mr Baird: We defer to our colleagues in the opposi-

Mr Gravelle: Good morning, Mr Strachan. Obviously, you've been vice-chair of WCAT since 1985?

Mr Strachan: Yes, that's correct.

Mr Gravelle: So you've seen a lot of changes. I presume you were probably sitting in the room when I was asking my earlier questions.

Mr Strachan: I was.

Mr Gravelle: Can I ask you what your thoughts are in terms of the changes that are coming forward and how they are going to affect how WCAT works?

Mr Strachan: I don't mean to be evasive and I would like to comment on how I see the process being affected. With respect to the specific provisions such as, I think the current buzz phrase is the "policy audit function" of the tribunal, I expect that if Bill 99 goes through as is, I may well be called upon to interpret some of those provisions next year and I'd be very reluctant to have a public record of any comments on the specific provisions.

You did touch upon a concern, though, in terms of the process and the caseload at the tribunal. I'm concerned about the effect on the caseload. If I could take a moment just to go through the caseload, my recollection, and these are general figures, is that the tribunal had roughly 1,800 cases come in in 1994; that escalated to 2,400 in 1995 and to 3,600 in 1996. My understanding is that in 1996, when 3,600 cases came in, the tribunal disposed of 2,400 cases, ie, the input from the previous year basically, but there was still a shortfall of 1,200 cases. The information I've been given in the last two weeks leads me to believe that the inflow for 1997 will be roughly 400 cases a month, so say 4,800 cases at the end of 1997. which is another 1,200 increase over 1996. Even if the tribunal disposes of 3,600 in 1997, we still have that 1,200 shortfall at the end of the year.

As the board telescopes its adjudicative process, and you may be familiar with the old system where there was a claims adjudicator decision, then a decision review branch decision and a hearings officer decision before it reached the tribunal — that's been telescoped into two levels basically — my concern is that as that process is telescoped, unless there is a very high-quality decision at the end of the board process, we are going to see a tremendous increase in the number of appeals that flood in to the tribunal, and at the moment we're not equipped to handle that kind of flood. My concern is primarily with the process at this stage, because I'm going to be expected to deal with this flood on an expeditious basis.

Mr Gravelle: So the 120-day maximum time may not be realistic at all, based on the pure reality of the numbers?

Mr Strachan: The 120 days, as I understand it, is from the time of the hearing. I believe we can design systems to deal with that. Obviously there will be very complex cases that won't meet that deadline. I have more of a concern with cases coming in and sitting for months because we don't have the resources to look at the file, process it and get it hearing-ready. That's where I see the major delays resting at the moment.

I should tell you that I really have not had a chance to do any kind of in-depth investigation. I'm in the process of educating myself about some of the processes, but obviously it's been fairly superficial so for.

Mr Gravelle: Thank you. I'll defer the rest of my

Mr Kormos: In your 12 years, obviously you've had the office of the worker adviser appearing before you frequently?

Mr Strachan: Yes, Mr Kormos.

Mr Kormos: How do you rate their advocacy on behalf of injured workers?

Mr Strachan: I found it be on a very high level.

Mr Kormos: You've similarly had lawyers appearing in front of you, acting on behalf of both employers and injured workers. Some of them are very skilled at workers' comp advocacy, aren't they?

Mr Strachan: Some of them are.

Mr Kormos: And the balance range from —

Mr Strachan: As a lawyer, you'll appreciate that I, as a lawyer, wish to be discreet.

Mr Kormos: Gotcha.

Mr Garry J. Guzzo (Ottawa-Rideau): Have you ever heard that before?

Mr Kormos: Discretion isn't one of my fortes, you understand.

Mr Strachan: I've heard that.

Mr Kormos: I know exactly what you're saying and I'll put my money with OWA any day, quite frankly.

Are you familiar with the traditional practice in terms of nominees for appointment to the board and the role of the chair in that regard?

Mr Strachan: Not in any detail. I have had some discussions with Mr Ellis over the last couple of weeks about that.

Mr Kormos: Maybe I am going to show some discretion. I don't want to push this beyond the point where you no longer feel comfortable, but are you familiar with the practice since 1985 of the chair referring to the government potential appointees to WCAT?

Mr Strachan: I'm familiar with the practice of the chair recommending appointees. My recollection, though, is that we have also had a number of appointees who — I'm not sure how to put this delicately — have dropped in unexpectedly, and some of those, candidly, in my opinion, have been among the best. In fact, if I were to strike a gold medal for the best all-round appointee at the tribunal in my experience, it would go to a gentleman who dropped in unexpectedly.

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Mr Kormos: But Mr Ellis is departing, not in the visceral, physical sense but in terms of his role as chair. Are you aware of the circumstances that led up to that?

Mr Strachan: Not entirely. Perhaps it would be helpful if I explained how I became involved in this. My appointment as vice-chair expired at the end of April of this year. The reappointment had not gone through early in May. I can't remember the specific dates, but it seems to me that towards the end of May I had a call from the public appointments secretariat. Would I come up and speak with them? At that point I assumed it related to my reappointment as a vice-chair. Subsequently I was told that a decision had been made not to extend Mr Ellis's appointment, and would I let my name stand as chair of the organization?

I've spoken with Mr Ellis since. The explanation he gave to me is that he approached the government early in 1997, asked for some indication as to the government's intentions when his appointment expired October 1. When he didn't hear anything concrete by May, he went to the government and pressed the issue. It's my understanding that is what started this process.

Mr Baird: Thank you very much, sir, for coming in. Obviously you've got a terrific amount of experience at WCAT, and I think that experience has been recognized by governments of all three stripes which at various times have appointed you, so you certainly bring a good perspective to the board.

What do you think you've learned? You've been at the tribunal for a good number of years, obviously had the experience of seeing what's worked well and what hasn't. You've had the experience of working with Ron Ellis, the current chair, who I think by all accounts has been very well regarded by most in terms of the community that comes into contact with the tribunal.

Mr Strachan: Absolutely.

Mr Baird: What do you think you could bring in terms of your experience to follow what has been a capable chair?

Mr Strachan: I think if you ask my colleagues at the tribunal, and hopefully some people outside the tribunal, they would say that the decisions I've written over the years have been both fair and sensible. The overwhelming impression I have of the tribunal, and I think for the most part the impression that exists externally, is the tradition of fairness which exists at the tribunal. I believe one of the reasons I was asked to stand as chair is that I was viewed as someone who would be capable of continuing that tradition of fairness. I think that's so. Obviously I cannot be Ron Ellis, but I'll certainly do my best to fill part of his shoes.

Mr Marcel Beaubien (Lambton): Good morning, Mr Strachan. I've got a brief question. In your role as a former vice-chair, what is the relationship between the vice-chair and the chairperson? How much interaction do you have as individuals or in the process at the tribunal?

Mr Strachan: As a friend and colleague, as much as you want. It was always possible to drop in to Ron's office in the morning and chat about virtually anything. In terms of cases, it was an arm's-length relationship. There was no interference in any particular case. I would characterize it as a very informal relationship. I think there are vice-chairs at the tribunal who have a closer relationship with the chair than others, but as professionals we're all treated equally.

The Chair: Any other comments or questions? If not, Mr Strachan, thank you very much for coming before the committee. We appreciate your presence here. Mr Ellis, it's good to see you again.

That completes the review of intended appointments. I suggest we move on concurrences.

Mr Baird: Chair, I was wondering if we might have a 15-minute recess.

The Chair: That's certainly appropriate in my view if that's what you wish. We'll recess until 11:30.

The committee recessed from 1106 to 1128.

The Chair: The standing committee is back in session. Normally we would deal with the concurrences and then move into a subcommittee of the committee, but given the import of what we're trying to sort out here this morning, it would seem to me we should meet as a full committee to discuss the scheduling and so forth, if that's appropriate to the committee. Let's deal with the concurrences first and then deal with the question of scheduling.

You may recall that last week we had a debate on the appointment of Dianne Ballam to WCAT as a vice-chair. Because there was a deferment requested, is the committee now ready for the vote on the motion by Mr Baird to concur in the appointment of Ms Ballam? Are we agreed on that? All right.

Mr Kormos: Recorded vote, please.

Aves

Baird, Beaubien, Gravelle, Bert Johnson, Martiniuk, Ross.

Nays

Kormos.

The Chair: The motion is carried.

Now let us deal with the concurrences for today's appointments.

Mr Baird: I move concurrence in the appointment of Betty Moseley-Williams to the Education Improvement Commission.

The Chair: You've heard the motion. Any debate? All those in favour? Opposed? It's carried.

Mr Baird: I move concurrence in the appointment of Peter Cameron to the Education Improvement Commission.

The Chair: You've heard the motion. Any debate?

Mr Gravelle: I just want to go on the record, as I think we did last week as well, that I'll be supporting Mr Cameron, as we did support Mrs Moseley-Williams, but make it very clear that we very firmly believe that the Education Improvement Commission should not be in place. It's certainly an unelected body which is in essence being used by this government. We believe very strongly that they will not have the kind of flexibility or ability to make decisions that will be useful.

I appreciate that the appointees we've seen, both this week and last week, are people who have given a great deal of thought to whether or not they would sit on it. They absolutely are genuine in their priorities in terms of trying very much to be sure that the education of children will be affected in the least negative way possible, and they are very sincere in their wishes. We quite frankly believe that will not be the case and they will be disappointed, and in many cases some of them will have some difficulty staying on it.

Having said that, I will be supporting Mr Cameron as we have supported the others.

The Chair: Any further debate? Are you ready for the question? All those in favour? Opposed? It is carried.

Mr Baird: I would move the appointment of Ian Strachan as chair of the Workers' Compensation Appeals Tribunal.

The Chair: We'll do Mr Dechert first.

Mr Baird: Oh, I was going to do him because he was

The Chair: Okay, fine. Any debate on Mr Baird's motion?

Mr Baird: I would just like to lead off and make some brief comments. Mr Strachan obviously brings a considerable amount of experience to the role of chair of WCAT. He has been appointed by all three parties as a vice-chair, which I think speaks volumes to the job he's done there.

I would like to also just read a small paragraph, probably one of the most classy memorandums I have ever seen from an individual serving in government, from Mr Ellis, who sent a memo to all the staff at WCAT with respect to changes in appointments, basically a message

to staff. He writes: "Ian has been with the tribunal almost from its inception and our personal relationship goes beyond that. I have always admired the quality of his work at the tribunal and he will make an excellent chair."

Certainly Mr Ellis did a superb job as the chair of WCAT and I think it speaks volumes that he not only spoke highly of Mr Strachan in this memo to staff, but as well certainly appeared today to show support for Mr Strachan. I think those two things speak volumes to him.

Mr Kormos: I want to indicate, on behalf of the New Democratic Party caucus here, that we are enthusiastically supportive of this gentleman's appointment as chair. He brings a great deal of experience to the position. The endorsement of Mr Ellis, as has been referred to, is incredibly persuasive. He displayed in the brief period of time that he was here before the committee a refreshing candour and straightforwardness that I certainly appreciate and I am confident other members of the committee do as well.

Obviously, subsequent governments will be relying upon the chair of WCAT, as well as other personnel within the WCB system, to provide advice as to the reformation that's going to be needed in view of the devastation of WCB being imposed by virtue of Bill 99. I look forward in a year and a half, two years' time, to utilizing the expertise of this appointment as chair of WCAT, along with other senior members of the whole Workers' Compensation Board system, when it comes time to undo the damage being done by Bill 99 and to restoring workers to their rightful role in a compensation system that was designed to serve workers' interests, to protect workers against injury and to safeguard workers who have suffered injury and/or death in workplaces.

Mr Gravelle: On behalf of the Ontario Liberal caucus, I also want to express our strong support for Mr Strachan's appointment as chair. Echoing much of what Mr Kormos just said, there's no question that in light of the changes that are being brought forward in terms of Bill 99 and the changes in terms of WCAT and its relationship with the WCB, it's crucial that somebody like Mr Strachan is there as chair and is perhaps one of the real and few bright lights in terms of a man with the experience and the concerns. We believe that he will be an excellent chair. Despite circumstances changing rather dramatically and perhaps negatively in terms of the rights and concerns of injured workers, Mr Strachan will be a strong chair, I believe. I am very pleased to support him.

The Chair: Any further debate? Are you ready for the

Mr Baird: A recorded vote, Mr Chair.

Ayes

Baird, Beaubien, Gravelle, Bert Johnson, Kormos, Martiniuk, Ross, Stewart.

The Chair: It's carried.

Mr Baird: I move concurrence on the appointment of Kenneth Dechert as vice-chair of the Workers' Compensation Appeals Tribunal.

The Chair: Is there any debate on Mr Dechert's

appointment?

Mr Kormos: I sincerely regret not having had more opportunity to speak with Mr Dechert during the course

of this committee hearing this morning. I am compelled to recall my comments about Ms Ballam, who appeared before us a week ago and whose appointment was concurred with by a majority of the committee this morning. You will recall that it was impossible to make any negative observations about Ms Ballam, about her skills, about her enthusiasm — all positive attributes and ones that would make her suitable for public service in any number of roles.

However, I referred then to the statement of criteria which the public appointments secretariat provides for appointment to the WCAT. Among other things but first in their list of criteria is familiarity with the workers' compensation system. You will know that was the concern I had about Ms Ballam and I had no other

concerns about her than that singular concern.

Mr Dechert causes me to have similar and added concerns. Clearly, Mr Dechert has no familiarity with the workers' compensation system. I am suggesting to you and to the committee that surely that means more than simply knowing that there's a Workers' Compensation Act, or that there's a Workers' Compensation Appeals Tribunal, or that there are injured workers. Familiarity, when it's discussed by the public appointments secretariat as a criterion, I suggest means some hands-on, something more than mere passing familiarity. Otherwise, it would have said "some familiarity" or "a knowledge of the existence of the Workers' Compensation Act." I believe "familiarity" means something more than merely knowing that there is an act.

Mr Dechert comes here with a CV or a résumé that's three pages long. Fair enough. He has been a sole practitioner since his call to the bar in 1980, which means he's practised law for 17 years. Nothing in his résumé refers to experience with the Workers' Compensation Act, the Workers' Compensation Board or the Workers' Compensation Appeals Tribunal. However, he left the clear impression during the discussions with him that he had several clients whom he had assisted in the preparation of their submissions to the Workers' Compensation Board.

He indicated that he had never utilized the office of the worker adviser, notwithstanding that Ancaster is adjacent to the city of Hamilton, where we know full well there's a fully staffed office of the worker adviser that's been providing advocacy assistance to injured workers for a number of years.

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You will recall that I asked Mr Strachan, in his experience as a WCAT vice-chair, about the skill and expertise of advocates appearing before him. Mr Strachan indicated that the office of the worker adviser provided qualified and competent advocacy for workers and then, in response to the role of lawyers, I believe Mr Strachan agreed that lawyers ranged from very good and, although he was disinclined to complete the statement, left the clear impression to the complete other end of the continuum.

Workers' compensation advocacy is a highly specialized field. Mere involvement with other tribunals like the Criminal Injuries Compensation Board doesn't even come close. The fact that Mr Dechert appeared to be aware of

the existence of the OWA — he said as much — but that he wouldn't have referred any of those clients to OWA, in conjunction with what I know about OWA and with what Mr Strachan, as a 12-year member of the WCAT as vice-chair, confirmed, I tell you, a lawyer who doesn't have specific expertise in workers' comp work who wouldn't utilize OWA when it was available - and I appreciate there may be parts of the province, specifically the north, where we're so remote that access to OWA becomes difficult where a lawyer in good faith would take on a workers' comp file. But the failure to utilize OWA speaks of either a very young lawyer who simply isn't aware of his or her limitations or a lawyer who has no regard for the welfare of those particular clients. It's as simple as that.

Quite frankly, for a lawyer without specific expertise in OWA, and I've seen a million of them — that's hyperbole; I've seen a whole lot of them — to try to take on these cases borders on gross disservice to a client, especially when the office of the worker adviser provides the highest quality of advocacy for no charge to the injured

worker.

Mr Dechert was obviously trying to impress the committee, and I use the word "impress" in the most legitimate sense, with the fact that he knows injured workers or that he's had contact with them. By revealing that, his indication that he took it on himself without using the office of the OWA speaks of either a disregard for those same injured workers or a failure to understand the complexity, intricacy and difficulty inherent in applying the Workers' Compensation Act and appearing either before the board or before the WCAT.

I'll go a little further. Here we go once again with a person appearing before the committee who states — and my notes indicate this is a direct quote — that his personal views are not relevant, then goes on to say, "My personal views would taint me." So he's suggesting that yes, he has personal views and those personal views would taint him, but he points out that they're not relevant in response to a question wherein he's asked to express them. That means he has personal views, it means he's aware that personal views would taint him, but he doesn't want to tell us what they happen to be. I'm concerned about that.

I understand, all of us understand — you don't have to be a rocket scientist — that once you're in one of these positions you should be loath to express personal views. But he's not in that position yet, and the purpose of this committee is to inquire as to who these people are, where they come from, what they bring to the position. I think questions about personal views are entirely appropriate

and should be responded to.

This came up last week, Chair, and you'll recall that I expressed a similar position. I also indicated that this process here seems in some respects to be based on the US model of screening or inquiries into potential appointees. If indeed it is, if I'm right, if I'm correct in that regard, we should note then that the US model is very much designed to elicit personal views from people, so that we understand what they're bringing in to their position, knowing full well that they understand that once they're in that position they have to do their best to

temper those personal views and act in not just a nonpartisan but an impartial way.

I'm left with the conclusion that this type of response is evasive and, more than evasive, is designed not just to evade the question but to actually avoid expressing those same personal views.

I've also got problems with the fact that here we have an appointment and you say: "I wish there were more time. Lord knows I wish there had been more time. I would have relished more time." He acknowledged that the crown prosecutor position that he held — and there's nothing wrong with that — was effectively a patronage one, terminated in 1994 after the election of the Chrétien government in 1993. However, I note he was appointed to that position in 1985. It could have been a matter of picking the wrong party at the wrong time.

He then acknowledged — and, again, there's nothing wrong with it — that he's on record for a donation to the Conservative Party of Ontario in 1995, the provincial election year, of some \$149.53. He has a small-town law practice and indicates that he'll be abandoning that to accept this full-time position which pays something in the range of \$70,000. It's an ACL-23 classification. It starts at \$70,000 and goes up to — there's nothing wrong with

that; vice-chairs deserve that type of salary.

I also note that in his conversation with members of the committee he attempted to bolster his experience or, quite frankly, exaggerate it. He wanted to leave the impression — I'm sorry, but I don't recall the exact word — of numerous jury trials, yet in his résumé he says "conducted several jury trials." Well, several is not numerous and several doesn't constitute expertise as a jury trial lawyer.

His amateurish usage of Latinisms — "ultra vires" and trial "de novo" — again is typical of either a first-year law graduate or somebody who has already begun to suffer judgeitis before they've even enjoyed the appointment. After 17 years at the bar you don't use those Latinisms any more. Your first year out of law school, you use them because you want to impress people with the fact that you've picked up some of that stuff. But after 17 years and when you're communicating to real people you don't go around talking like you're from the British House of Lords writing judgments for the all-England reports or whatever the heck they are.

We're talking about a tribunal here that has working people appearing before it for whom communication and some empathy — not sympathy, empathy — on the part of the adjudicators is essential. To refer once again to Mr Strachan's comments and his style, he left a very clear impression of somebody who understood what communicating with people really meant. With his background, he made a point of mentioning that he's been around the block a couple of times, that as a student he did the hard work. He knows what it means to work in a factory on an assembly line, to lay sod. I appreciated that and I appreciated the manner in which he spoke to us, a very straightforward, communicative manner. Mr Dechert comes across as, as I say, a person who suffers from judgeitis prematurely.

I took note of his reference to his Rotary pin. I have no quarrel with the fact that he belongs to the Rotary

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Club. He puts in his résumé that he's the past secretary of the Rotary Club of Hamilton Mountain and he mentioned the Harris Fellowship. I don't know anything about the Harris Fellowship in the Rotary Club — and I'm sure it's awarded only to people who deserve it — but to appear here and make reference to his Rotary pin, as if somehow it was an insignia that entitled him to accord, I find difficult to understand. I suppose I would have been more sympathetic had it been a Moose Lodge pin, which is a working class organization founded by workers as a mutual benefit society so that they could care for each other and the wives and children of workers who were injured or who died in the workplace. I find Moose Lodge far more sympathetic than the Rotary Club, although I have nothing against the Rotary Club.

This person who acknowledged having wanted to be on the bench — and boy, have I seen them before. Man, oh man, he's got the mannerisms down pat. He's been working on that for a long time. I'm sorry, this person not only doesn't have any familiarity with the workers' compensation system but he displays qualities, or lack of qualities rather, characteristics that I think make him highly unsuitable for a position where injured workers are going to be appearing and depending upon an adjudicator for an empathetic and full hearing. The last thing an injured worker appearing before WCAT needs is to have some pompous legend in his own mind using Latinisms to address the issues when the injured worker is already apprehensive, nervous, may well not have English as a first language, like a whole lot of working people in this province don't.

The Chair: Mr Kormos, while you're collecting your thoughts, we've tended to be fairly casual about the length of time on concurrence debate as long as it's split evenly, but there is a motion that the committee passed about a year and a half ago which indicated that it be limited to 10 minutes. I've been quite lenient in interpreting that, I think, so I'm wondering —

Mr Kormos: Have I reached that point, Chair?

The Chair: Yes, you've reached that point.

Mr Kormos: If I have, I'll indicate that we find this candidate totally unsuitable for this position. We, the New Democratic Party caucus, have indicated that we will be supporting and endorsing qualified people and will be looking for qualified people who also express a familiarity with the plight of working people and an understanding of the need for working women and men to receive justice under a workers' compensation system. We will not be supporting Mr Dechert.

The Chair: Is there any further debate on Mr

Dechert's appointment?

Mr Gravelle: I just want to indicate that we will not be supporting Mr Dechert either. I want to make it clear, and very quickly, that we did support Ms Ballam. I recognize that the major objection to Ms Ballam, certainly by Mr Kormos, was that she was not familiar enough with workers' compensation, but indeed she was a person who in every other way had the best qualifications. We felt that indeed she has an appropriate attitude and is somebody who really will work to be extremely fair.

In Mr Dechert's case — I'm sure he's very much a fine person — the concern I had was not just his reluc-

tance to answer the questions that I asked him on a personal basis for his opinion, because I do recognize the sensitivity in getting into that. I probably would have been a lot happier if he had at least offered some sense of how important fairness was to him. He didn't. He retreated continually behind: "The fact is I've got to go by the rules. This is the way it's going to be done." That concerned me, coupled with his lack of experience and just a certain resistance to offer — that kind of attitude. When we're dealing with a tribunal like WCAT, I think it's extremely important that we have people — as I said earlier, I think Ms Ballam will do a fine job and do her very best. I just don't have that confidence in Mr Dechert and we will not be supporting him.

Mr Martiniuk: I'd just like to comment on one matter. As a former Rotarian, I would put that down on a résumé, as I would if I were a Kinsman or with any other community-minded service organization. I think it's something to be proud of and certainly not something to be hidden on a résumé. I think Mr Kormos's comments

are somewhat out of line in that regard.

The Chair: Any further debate on Mr Dechert's appointment? Are you ready for the question?

Mr Kormos: Recorded vote, please.

Ayes

Baird, Beaubien, Bert Johnson, Martiniuk, Ross, Stewart.

Nays

Gravelle, Kormos.

The Chair: The motion is carried and his appointment is concurred in.

COMMITTEE BUSINESS

The Chair: That leaves one more piece of business to deal with. Perhaps we could turn to Mr Baird, who's consulted with his colleagues.

Mr Baird: The issue arose in terms of what process might be available for the committee during the legislative break, which is intended to start tomorrow night, and what opportunities would be available to consider potential appointees, particularly those of the subcommittee report of June 19. I've taken the request to my colleagues both at the appointments secretariat and at the staff level and don't have an answer at this point. I have taken the request. I can't give any guarantees as to what will come. I will certainly bring the request forward if there is an opportunity.

I would just indicate, in terms of July, that the Legislature has been sitting obviously a terrific amount, virtually uninterrupted since last September, so there certainly has been the opportunity to review far more appointments than we would have had otherwise. But the request of the Chair and of the other subcommittee members is not unreasonable and certainly one that I'm prepared to take to see if there's an accommodation that can be reached that would meet all of the opinions. Unfortunately, I don't have that at this hour, but we are looking into it at this time.

The Chair: I think if we're able to come up with a solution, obviously before we adjourn would be a better time for that than afterwards. It might have to be a motion in the House by the government House leader.

Mr Baird: Sure. I have no objection if you'd like to set a subcommittee meeting for tomorrow where we could consider this.

Mr Gravelle: I just want to indicate that I hope we can work it out too. The appointments that have come forward in the previous list are ones we want to be able to deal with, and if they cannot be deferred in some manner, our caucus is willing to sit. Obviously we all agree on our desire to try and hold it off, but I just want to indicate the level of importance. We feel these need to be dealt with and not simply just passed through. I would certainly be grateful and pleased to sit at a subcommittee meeting tomorrow, although I want to indicate that it would probably need to be in the morning, from my point of view, because I expect to be leaving in the afternoon.

The Chair: I won't ask you why.

Mr Kormos: On behalf of this caucus, I simply want to indicate that we believe it's imperative that the committee sit notwithstanding that the Legislature isn't sitting. You'll note that the Liberal caucus has selected two nominees for consideration, and they're also selected by the New Democratic Party caucus. The New Democratic Party may well be prepared to waive other potential appointees, but we believe it's imperative, and obviously there's agreement, accord, between the two opposition parties. We are prepared to come back here — of course we are; the House isn't sitting but we're still being paid — and sit as a committee to consider these appointments. A Wednesday, as usual, would be highly appropriate, sir.

Ms Shelley Martel (Sudbury East): I'm not a regular member of the committee but I am here today to inform the committee that it is very imperative that we sit to hear the appointments that were laid out for people in the subcommittee report on June 19, 1997. I think most people recognize at least one of the names that appears on that particular list, that of Mr Norman Seabrook, the case that I raised in the House on Monday with the Minister of Natural Resources.

As people who were in the House will recall, the minister, in scrambling to answer this question — I guess that's the best way I can describe it — made it very clear that of course these were only nominations. He said, "They're taken under consideration, they're put forward to a committee and there's a process in this democratically elected House called the public appointments

committee. At this committee level they will look to see if there are any conflicts of interest" etc.

I won't go into the issue that I raised, which was indeed that Mr Seabrook has a conflict of interest. I also have some very serious concerns about his appropriateness as a member of the Niagara Escarpment Commission, given his very public statements made in 1995 on behalf of the Grey-Bruce preservation association, I think it is, and I apologize if I don't have quite the correct name, but very clearly his very public comments that in fact he would prefer to have or would like to see the Niagara Escarpment Commission disbanded, and the Niagara Escarpment Planning and Development Act disbanded as well. That of course would result in total chaos in the escarpment, no planning whatsoever, unless that was to revert to the municipalities, and I think quite literally the destruction of a heritage site that people in this province are very proud of and want to protect.

He is certainly one of the individuals who is here. The minister, in attempting to answer the question, made it appear that of course this committee would deal with all of those issues, and if this committee does not sit, I understand that by default Mr Seabrook will become a member of the commission. I think that would be a grave error, not only because we're very concerned about the escarpment, but frankly I don't think it will make the government look very good to have someone appointed to the commission who so obviously wants the commission disbanded, the act disbanded, and have the escarpment itself put at risk.

This side is prepared to sit and I encourage Mr Baird and other members of the government side to do whatever you can to make sure this committee sits to hear these appointments, because it is the only recourse we're going to have. It's the only recourse the minister alluded to, because he seemed quite unprepared to withdraw the nomination of Mr Seabrook even though I raised the conflict of interest.

Mr Baird: I also will take those considerations to discussions with my colleagues.

The Chair: To be fair, I think the opposition parties in particular have been very disciplined in their selection of people to come before this committee and have really restricted the numbers so that they were manageable at the committee. I think that needs to be taken into consideration as well.

Anything else? We are adjourned unless there's a meeting of the subcommittee called for tomorrow, which I think there should be one way or the other.

The committee adjourned at 1203.

ERRATUM

No. Page A-49 Cover Line 13

Should read:

Chair: Floyd Laughren

Président : Floyd Laughren



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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Mrs Brenda Elliott (Guelph PC)

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Mr Michael Gravelle (Port Arthur L)

Mr Garry J. Guzzo (Ottawa-Rideau PC)

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Mr Peter L. Preston (Brant-Haldimand PC)

Mr Tony Silipo (Dovercourt ND)
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Mr Joseph N. Tascona (Simcoe Centre / -Centre PC)

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Mr Marcel Beaubien (Lambton PC)
Mr Gerry Martiniuk (Cambridge PC)

Mr Richard Patten (Ottawa Centre / -Centre L)
Mrs Lillian Ross (Hamilton West / -Ouest PC)

Also taking part / Autres participants et participantes:

Ms Shelley Martel (Sudbury East / -Est ND)

Mrs Lyn McLeod (Fort William L)

Clerk / Greffier: Mr Douglas Arnott

Staff / Personnel: Mr David Pond, research officer, Legislative Research Service



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Wednesday 20 August 1997

Journal des débats (Hansard)

Mercredi 20 août 1997

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



Chair: Floyd Laughren Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 August 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 20 août 1997

The committee met at 0934 in room 228.

SUBCOMMITTEE REPORTS

The Acting Chair (Mr Frank Miclash): Ladies and gentlemen, I call the committee meeting to order. I understand we have a number of reports we want to go through.

Mr John R. Baird (Nepean): Just to make matters simple, I would move to amend the subcommittee report dated Thursday, June 26, by withdrawing the government request of Don Scott from the subcommittee report, and move the subcommittee report as amended.

The Acting Chair: Any discussion? Do we call for a

Ms Marilyn Churley (Riverdale): It's okay. It's agreed.

The Acting Chair: Agreed.

And the subcommittee report regarding business dated Wednesday, July 2?

Mr Baird: Just to make matters easy, I would move the adoption of the subcommittee reports dated Wednesday, July 2, Wednesday, July 9, and Thursday, August 7.

The Acting Chair: Agreed? Agreed. Thank you.

INTENDED APPOINTMENTS

JAMES RAINFORTH

Review of intended appointment, selected by government party: James Rainforth, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Acting Chair: At this time I would like to move on to our appointments and first of all call James Rainforth. Thank you for being with us this morning. Do you wish to make an opening statement, sir?

Mr James Rainforth: Yes, I would, thank you. I would like to take a couple of minutes to give you a brief review of my background and my experience and why I think I should be a useful addition to the escarpment commission.

I have been in agriculture in one way or another all my life. I grew up on a farm. My formal post-high-school education has been degrees in agriculture from McGill University.

My employment has been in agriculture as well, with Agriculture Canada for a couple years in their research section, with the Ontario Ministry of Agriculture and Food for 17 or 18 years in various roles. In particular I was involved as a crops adviser, later as manager for the Ontario horticultural crops advisory service, and finally with the ministry as director of what's now the plant industry branch.

Following that experience, I worked and continue to work with the Ontario Grape Growers' Marketing Board and the Ontario Tender Fruit Producers Marketing Board out of Vineland Station. My experience during that time of employment has included advice and guidance directly to farmers on crop management, the supervision of the Ontario horticultural advisory program and the supervision and direction of the soils and crop branch of the same ministry. Some of the highlights of that experience have included the responsibility for a couple of pieces of legislation, including the Grain Elevator Storage Act and the seeds and weeds act.

In my time with my current employers, the grape growers and the tender fruit growers, we operate under provincial legislation, the Farm Products Marketing Act and the plans and regulations of the individual boards.

I have been a long-time member of the Bruce Trail Association and continue to be a life member of the association. I have, during that time, been an active hiker on the Bruce Trail, so I know the escarpment quite intimately, at least in the southern portion of the escarpment.

I would conclude with those brief comments on my background.

The Acting Chair: We'll have some questions from the various caucuses, starting with Mr Gravelle.

0940

Mr Michael Gravelle (Port Arthur): Good morning, Mr Rainforth. You certainly express in your CV some understanding of the escarpment commission in terms of your activities and involvement with that. I'm curious about what your awareness is of the escarpment commission and the exact role it's supposed to play.

Mr Rainforth: I expect I have a lot to learn, but I think I have a passing knowledge of the plan and the mandate of the commission. I see the commission as being largely regulatory and an adviser to the government on the regulations of the plan. I see the commission as largely a regulatory role to carry out the mandate of the plan.

Mr Gravelle: Do you have a philosophy, though, in terms of — would you see it as a crucial role? There is obviously a fair degree of controversy in terms of some of

the appointments today. And what is your philosophy in terms of what your role would be as a member of the commission? Is there a focus you'd have or an area you'd be more concerned with than others in terms of, in essence, the competing interests?

Mr Rainforth: I expect I could describe myself as a moderate in many respects. The escarpment certainly has received some publicity and the escarpment commission has received some publicity which we all read about from time to time. I believe it is a resource in many ways. It's certainly a very important resource in terms of the agriculture I'm involved in. I think it's a resource as well for tourism and other natural resources.

I see the management of the escarpment as use for all, but certainly not to be abused by anybody. That sums it up. That's the best I can do on that one.

Mr Gravelle: Do you have a sense of how that can be balanced?

Mr Rainforth: I think the current plan and the mandate of the commission probably provide the guidelines for how that can be balanced. Like other new appointees, I expect I'll know more about that as time progresses, but I believe the plan is the framework, and the commissioners, in my personal opinion, will be there to follow the mandate.

Mr Gravelle: There have been some rather severe budget cuts to the commission, as you probably are aware. Do you have any sense of in what way that affects the operation of the commission?

Mr Rainforth: It probably will make it leaner and meaner, but that's not a foreign philosophy to any of us. I think we've all experienced budget cuts, either directly or indirectly, doing more with less, so I'm confident the commission can carry out its mandate with its restriction on budgets.

Mr Gravelle: The responsibility for the commission has moved to the Ministry of Natural Resources, which is again a very controversial move. I'm sure we'd all be curious as to your opinion on that. Many of us think that's the wrong move. It's important to get your perspective, as an intended appointee.

Mr Rainforth: I said earlier that I believe the escarpment is a resource. Natural resources as the ministry responsible for the escarpment plan and commission may be, in my estimation, as good a fit as where it was before.

Mr Gravelle: A better fit?

Mr Rainforth: Not worse; not better. I'm not sure. I would suggest, though, that it's probably as good. I see no reason why the activities and mandate of the commission and the protection of the escarpment shouldn't be as well served under natural resources as under environment. I believe in the past the commission has been under different ministries from time to time. I think it will still be able to function as intended under natural resources.

Ms Shelley Martel (Sudbury East): Thank you for coming today. You've told the committee what you understand the role of the commission to be and also what you believe your role as a commissioner will be. I wonder if you can answer this: There have been a number of sug-

gestions over the years, and certainly in the act itself it says clearly that at some point the regulatory control of the escarpment should or could move to municipalities. Do you have a view as to whether the control of development on the escarpment should remain in the hands of the commission or should be devolved to municipalities?

Mr Rainforth: I think moderation may be the answer. I'm sure the municipalities would like more involvement in the planning process as it relates to the escarpment. Perhaps there's a good reason for that. I think the accountability, though, would probably continue to lie with the commission and the Ministry of Natural Resources.

Ms Martel: Would you be concerned, though, in terms of trying to protect the environment and ensure that the plan is actually enforced, that that would perhaps be difficult to do if divided up among 37 municipalities and eight regional governments and counties?

Mr Rainforth: I expect the local politicians in the municipalities have equal concerns about the wellbeing of not only the escarpment but the economy and the use of the escarpment as a resource. They all have a vested interest in that, so I don't necessarily see it as a step backwards.

Ms Martel: Do you get any sense that the municipalities want greater control and would actually like the act or the plan devolved to them?

Mr Rainforth: From my limited association with the municipalities in Niagara, I would say yes, they would like that.

Ms Martel: Obviously, it's public knowledge that the escarpment was designated by UNESCO. Do you support that designation?

Mr Rainforth: Yes, I do.

Ms Martel: Can you tell the committee why?

Mr Rainforth: I feel the escarpment is a pretty unique geological feature. As I indicated earlier, the escarpment in a sense is critical to the agriculture in the area I work in. That's not all to do with the cosmetics; it's to do with the geography in a broader sense. It is a very unique piece of land, and I think the designation it received, I believe in 1990, is appropriate and something we should consider and take as a serious and positive designation.

Ms Martel: So you would not want to see that revoked in any way, or be an advocate of that.

Mr Rainforth: No. I think we need to preserve certain parts of our uniqueness.

Ms Churley: Good morning. I would like to ask you a pretty broad, general question, but an important one. From your own experience in the area, what do you think is the biggest challenge facing the escarpment today, and therefore the commission?

Mr Rainforth: It probably has a number of challenges, but it's a pretty desirable, unique piece of property and it's good for many things, so I'm not surprised that there are a lot of demands on it. The demands on it are probably its biggest challenge.

Ms Churley: So the diverse interests, I believe is what you're saying; the challenge is that there are lots of differ-

ences of opinion and diverse interests on what should be done on the land.

Mr Rainforth: Yes. It's a nice place to live, for one thing, and it's a good recreation area. It has lots of resources which are valuable and necessary to the economy, so I expect that is the challenge. Perhaps that's where moderation is useful in its future.

0950

Ms Churley: What do you mean by "moderation"?

Mr Rainforth: Preserving it does not necessarily mean you don't use it. I think you use it wisely and you control the use of it so it's not abused, but I don't think you simply set it aside and never touch it.

Ms Churley: Do you have any views or thoughts on the whole area of the landowners' right to do what they want with their land and the right of the government, the people, to protect this land?

Mr Rainforth: I think the landowner is a very key person. They're the ones who made the investment and showed the wisdom or judgement or good luck, what have you, to be a landowner at this time. They're the ones who have put their money on the table, so to speak, so I don't think their interests can be underestimated. More realistically and practically, it's a matter of working with the landowners as opposed to dominating them or saying they don't have rights, because obviously they should have rights.

Ms Churley: Do you think that in the past the private landowners have not had enough rights in the process that's been followed under the commission?

Mr Rainforth: I'm not a landowner along the escarpment, so I'm not sure I'm the right one to answer that one. Maybe I'll pass on that one.

The Acting Chair: Mr Chudleigh, please.

Mr Ted Chudleigh (Halton North): I don't have any questions, but perhaps a comment. Mr Rainforth, you seem to have worked in both levels of government, federal and provincial, and balanced the interests of government policy with agricultural needs. In your current position I believe you balance the needs of the agricultural community with those of the consumers and processors in the Niagara Peninsula, a fair and balanced approach, and I would encourage you to bring that fair and balanced approach to your duties on the commission as well. Thank you very much for letting your name stand.

The Acting Chair: Anyone else? No?

Thank you very much, Mr Rainforth, for appearing before the committee this morning.

LOUIS ZURINI

Review of intended appointment, selected by government party: Louis Zurini, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Acting Chair: Our next appointee is Mr Zurini. Welcome to the committee. Do you wish to make an opening statement, sir?

Mr Louis Zurini: I would like your forgiveness and understanding. I'm going to be reading from a number of notes I've made.

I wanted to begin by highlighting the fact that the NEC has resided under the jurisdiction of several ministries, and I feel that where it resides currently, with the Ministry of Natural Resources, is in itself encouraging. The Niagara Escarpment is truly a natural resource to our province. It should be managed properly. It should not be squandered. Moreover, it is an asset which is unique to our part of the continent.

Since 1973, my family and I have had the pleasure to live in our home located on the Niagara Escarpment. For this, I and my family consider ourselves fortunate to have lived along with this immense, picturesque resource.

Throughout the last 27 years, I have primarily focused my business experience in a resource that some of us may take for granted: land and property. Being an immigrant to this country, I came from a part of Europe where land and property is precious, whereby properties were often not bought and sold, but ownership was transferred by way of inheritance.

I have, along with my wife of 35 years, been a broker of record for a medium-sized, full-service real estate firm with approximately 50 sales associates. As a complement to this business, I branched off into operating a commercial construction company where we built commercial-industrial warehousing in the Golden Horseshoe area. Another branch was also incorporated, which is primarily focused on land banking and land development. As a result, I would consider myself knowledgeable in the land development process and in dealing with various levels of government which are involved in the approval process.

My experience with regard to the Niagara Escarpment Commission comes in the way of representing purchasers and vendors of land on the Niagara Escarpment and adjacent land. I've taken part in presentations and fact-finding missions where I represented the purchase or the sale of NEC land. I've always found the staff to be very helpful and courteous.

I must admit at this time that my first appearance in front of the NEC was extremely intimidating and daunting, but after a few battle scars I became more comfortable with the notion of appearing in front of a panel. There are several misconceptions that I was guilty of having, and I feel the general public has some similar inaccuracies when it comes to the NEC.

As a potential member of the NEC, I would like to take on a role of ambassador, where I would endeavour to dispel many of the fallacies with regard to the 90% of applications which are approved rather than turned down. Many people feel the NEC and the war on drugs in the United States have the same philosophy: "Just say no." This notion is far-reaching. It is in the corridors of our city halls, which are part of the Niagara Escarpment, and most of all it is on the kitchen tables of the people who have a vested interest in the Niagara Escarpment because they spend their lives within the Niagara Escarpment. As a potential commissioner, I would like to make the NEC

more user-friendly while maintaining and preserving its integrity.

I still believe the commission has a rightful place in Ontario. The Niagara Escarpment is a resource of immense value and at times controversy, and therefore effective management is necessary. Moreover, it should be preserved, yet a balance must be found to utilize it to the fullest potential with an eye towards the future. The province can, if I may use the term, profit from such a resource, especially if through conservation and preservation of this natural resource we will find a rightful place for tourism and recreation.

As I approach a new stage of my life, I begin to think of how I could begin to utilize my time to give back to a province which has given so much to me and my family. I thought of entering politics, but I could not get around the notion of the enormous amount of time and sacrifice that comes with the life of a politician. I commend politicians who give of themselves to their constituents and to the province as a whole.

After much thought, I came to the conclusion that serving on a board or commission was a possibility. On February 11, 1997, an article in the Hamilton Spectator appeared, stating that the NEC, through attrition, was hard pressed to have enough people to have a meeting, and also that there was not enough time devoted to research and public relations. After reading this article, I continued the process of applying for the position on the NEC because I felt I had something to contribute in the public relations sphere, and from a land use perspective as well.

I would definitely be honoured to serve the province in this capacity, and I sincerely hope to maintain the integrity of the Niagara Escarpment Commission and at the same time enhance its vision whereby future generations will continue to enjoy the benefits of living within this most precious resource.

Ms Churley: Thank you very much for your presentation and for agreeing to come in this morning to speak to us. I take it from the overall speech you just gave that you very strongly support the continuation of the Niagara Escarpment Commission.

Mr Zurini: If the legislation permits it. I always look towards the legislators as the actual body — I am supposed to facilitate the mandate from them. Therefore, if the Legislature wants it to continue, I would like it to continue. I am not opinionated enough to say if it should continue or be disbanded. I would like to see it continue because it serves a very good purpose.

1000

Ms Churley: Do you have any views on what you think might happen if this government determined that it should be left to the individual municipalities?

Mr Zurini: No, I don't. I'm too early in the actual business of the Niagara Escarpment to know. I would like to be a member for a period of time to get my feet wet.

Ms Churley: So at this stage, because you're new to the process, I think what you're saying is you want to learn more before you make any personal comments about where you believe the future of the commission lies. Mr Zurini: Yes, but as I said in my statement, I'd like the continuation, because that's the only body I know that is doing the job.

Ms Churley: Do you believe in the past it's been doing a good job? I know you're new to this, but in your thinking, would you like to see any kind of changes? Is there anything you think is a major challenge at this point?

Mr Zurini: I mentioned to you "user-friendly" in my speech.

Ms Churley: What do you mean by that?

Mr Zurini: I've sat on the escarpment already once, and the professional presenters, as they arrive, don't feel intimidated. They are professional planners, lawyers, engineers. But the individual who comes off the farm, the individual who owns a small piece of property does not have that experience. While everybody's making notes, sitting around, there are no friendly faces that are being the bridge for him, to make him feel at ease. That's what I mean by user-friendly.

Ms Martel: Thank you for coming today. You mentioned in your statement that 90% of the applications before the NEC have been approved. Certainly there's a whole different view out there, and I would argue a misconception, that it's very much the other way around, that the NEC staff do everything they can to block people's applications, make it difficult for development to occur etc. Do you want to expand more on what your experience has been with respect to the applications that have been approved and the process you've been involved in in dealing with NEC?

Mr Zurini: In preparing for a meeting and reading the five, six, seven pages that have been prepared, there are usually comments there of other bodies within the municipality: engineering, health, planners. These comments are there to help the NEC members understand if it is in the official plan, and if the city of Burlington — I'm using the city of Burlington at this moment — engineering department says, "We do not concur with this application; therefore we're rejecting it," if the health department is rejecting it and so on, it seems to be a clear choice that the NEC has at the end of it to very clearly reject it because it doesn't meet all the other criteria which are so important to the development of whatever is desired on that parcel of land.

Ms Martel: In terms of 90% of the applications being approved, that's a significant number. I would find it hard to believe the NEC is purposely trying to block development and that's all their staff is there to do.

Mr Zurini: Let me then expound a little. The applications that are approved usually are of a nature whereby the people are not asking for a brand-new home to be built. They're asking for a barn to be enlarged; they're asking for a ditch to be placed where it's necessary; they're asking for items that are not as grandiose as building a brand-new home or a number of homes — or severances, for that matter. Severances are not under the control of the NEC; they're under the control of the townships themselves. That is the major hurdle that exists and will always exist.

The Acting Chair: Mr Baird, please.

Mr Baird: We would defer to our colleagues in the official opposition at this time.

Mr James J. Bradley (St Catharines): I'm not normally a member of the committee that reviews these appointments, but I happen to believe the Niagara Escarpment Commission is among the most important commissions this province has for protecting a genuine natural asset, a world biosphere.

I know you're looking forward with anticipation to your participation on this commission. I heard you say something that concerned me a bit, and that was about moving jurisdiction for the Niagara Escarpment Commission from the Ministry of Environment, whose role and responsibility it is to protect the environment, to the Ministry of Natural Resources, who — and I'll express a personal opinion, an observation over three different governments — could not be accused of having foremost in its mind the protection of the environment. Do you not see some virtue in having the Niagara Escarpment Commission under the jurisdiction of the Ministry of Environment if indeed the government wishes to see the Niagara Escarpment lands protected?

Mr Zurini: I begin by saying I concur with the second part of your question, but let me tell you that perhaps I am under the mistaken impression — in looking at the present ministry, I also look towards the escarpment as a 725-mile park. Parks have been under this ministry for the past 100 years. Am I wrong in looking at the escarpment as a gigantic park?

Mr Bradley: I would concur that it's a gigantic park, one that should be protected by the Ministry of Environment. That's just my opinion. It's also been designated a world biosphere. Perhaps I was drifting at the time, but did you say in your remarks you supported its designation as a world biosphere?

Mr Zurini: Yes, sir.

Mr Bradley: That is encouraging as well, because there are some who wish to remove that as a designation, and I'm very concerned about that.

Do you believe the cuts made to the Ministry of Natural Resources in this case, and to the Niagara Escarpment Commission, could adversely affect the ability of the commission to do its job appropriately? There have been significant cuts made to both the Ministry of Natural Resources and to the Niagara Escarpment Commission itself in terms of its resources and staff.

Mr Zurini: I don't want to sound presumptuous in answering this question, but the area that more effort has to go into is in public relations and informing the general public about the Niagara Escarpment. I used the word "ambassador," and I would like very much to be that. I was just saying to my family that if a business card should be issued to me by the government as a commissioner, I would like to put on the business card my phone number; I would like to have people call me. I have reached a time in my life when privacy is not as important as it once was. Therefore, if I am to enter and dedicate myself to this project, which is becoming a commissioner, I would

encourage that and I would like to help as much as I possibly could in that respect.

Mr Dominic Agostino (Hamilton East): I have a statement more than a question. I've had the pleasure of knowing Mr Zurini for a number of years. Actually, he used to be a constituent of mine in my previous municipal ward in Hamilton. Certainly I'm encouraged by what he has said today. I think the balanced approach you bring is extremely important to the Niagara Escarpment Commission to ensure that the forces that will be pulling there are not going to be tilted totally pro-development and simply opening up the escarpment with a For Sale sign on it.

I'm encouraged by that and I certainly am pleased this appointment has come forward. These are the type of individuals we need on the escarpment commission, and I commend Mr Zurini for putting his name forward.

Mr Baird: Just a quick comment and question. I want to first thank you for taking the time to come before us.

This came up earlier. The Honourable Chris Hodgson, the Minister of Natural Resources, has been very clear that the NEC will continue to oversee planning decisions in the escarpment area. The NEC act will remain on the books. He has been very clear on that. Are you supportive of the overall objectives in the current NEC act?

Mr Zurini: Yes.

The Acting Chair: Thank you, sir, for appearing before the committee this morning.

1010

HOWARD STAFF

Review of intended appointment, selected by third party and official opposition party: Howard Staff, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Acting Chair: Thank you for being with us, Mr Staff. Do you wish to make an opening statement, sir?

Mr Howard Staff: Good morning, Mr Chairman and members. I'd like to address you this morning by starting off and, as we say down on the farm, giving you my pedigree papers.

I'm 54 years old. I've been engaged in agriculture all my life. I'm a full-time farmer. I'm married. I don't know which goes first; I think it's the married part. I have two children, both of whom are engaged full-time in agriculture: one works with me on the farm, in charge of our apple operation, and one is a full-time winemaker in the region of Niagara.

I farm approximately 1,600 to 1,800 acres in the area, depending on the year, and approximately 1,000 acres of that is in the Niagara Escarpment area. Our family farm goes back 170 years that the family has been in the same place. It's where we have our roots.

With that, I'd like to say that my public involvement in regional Niagara has been as chairman of the town of Lincoln committee of adjustment, and I was a founding member of the regional Niagara land division committee. Those two spanned a 10-year time.

I'm former chairman of the Jordan Historical Museum of the Twenty. My family has been on the board of directors since the inception of that in the early 50s, and still are on the board of directors.

I'm a former member and founding member of the St Catharines General Hospital Foundation, which as we know is a fund-raising arm of any hospital to fund the activities of new development.

I'm a former chair of the Ontario Fruit and Vegetable Growers' Association, which is an organization of 14,000 farmers who grow horticultural crops here in Ontario.

I'm a former member of both the Ontario Grape Growers' Marketing Board and the Ontario Apple Marketing Commission.

I'm president of H.A. Staff Ltd, which was a corporation started by my grandfather some 60 years ago. I'm also president of Vineland Growers' Co-operative, which is the largest fruit shipping firm in the Niagara Peninsula, those two operations accounting for some \$25 million worth of revenue in the peninsula per year.

I have just recently been appointed the agricultural fund-raising chair for the joint hospitals fund-raising drive in the region of Niagara, and I'm just completing my year as Grape King, which means this past year my vineyards were chosen as the finest vineyards in Ontario.

For interests, I like to fly. You might ask, "Where does flying fit into agriculture?" We plant wheat with an airplane; we get parts for our equipment with airplanes. It probably means that when we talk about the Niagara Escarpment Commission, I've spent more time over it than a lot of people have. I have flown the escarpment control area from one end to the other, I would say innumerable times, because living on the escarpment is, as I said earlier, part of our roots also.

I will end up with the one passion I do have at the present time. I'm a cancer survivor, being six years now deemed free of the disease, and I counsel other farmers in regional Niagara and their families as to what's going to happen to them when the dreaded news comes to them. On almost a weekly basis I'm out doing that.

The Acting Chair: Thank you very much, sir. The Conservative caucus, please.

Mr Baird: We would defer at this time to our colleagues in the official opposition.

Mr Agostino: Mr Staff, thank you for allowing your name to stand for the commission. I have a couple of questions. One is in regard to trying to get a sense of the view of potential members on development that may or may not occur on the escarpment, and your approach to that.

I am aware of a proposal called Twenty Valley Estates that was on the lands of the Niagara Escarpment Commission. If I recall correctly the work we've done on this, the development was going to be large estate homes. It was a development that was opposed by people concerned about the environment, the preservation of the escarpment, agricultural land. The MOE reportedly came forward and said that development was to be denied and turned down. As a commissioner, would you support such a development as

the Twenty Valley Estates development in Niagara, or would you oppose it?

Mr Staff: That's rather an unfair question, because I was called before that particular proposal to give evidence as to one small part of it, and that was my views on the agricultural capabilities of the land involved. That's why it was there. I didn't form any opinions as to the whole project other than a very cursory view. That view was that out of the 90-some acres that were involved, as I remember — we're going back three years now — 30 acres were going into development and 60-some acres were being deeded to the Ontario land heritage, or some type of designation like that. I thought that was a viable alternative to the whole land being left in private hands.

Mr Agostino: Are you still a member of the Niagara Escarpment Landowners Coalition?

Mr Staff: That organization hasn't met in the last two years. It's sort of a defunct organization.

Mr Agostino: When you were a member of the organization, it opposed UNESCO's world biosphere reserve designation for the escarpment. Do you still support that position? Do you believe the designation should remain and should be part of the escarpment, or do you support pushing for the removal of that designation by UNESCO?

Mr Staff: I think you're interpreting that in a different light than what it was intended to be. In the UNESCO designation, there are 10 points of reference for the area to encompass being brought under, and those 10 points of interest have to be addressed by the governing body. To date, only three of those points have been addressed by the escarpment commission. That's what the landowners' coalition was saying: Until you address all 10 of them, how can we implement it when it's only a part of the equation? That's where the group, at its last meeting, had left it.

Mr Agostino: Just one further question. When you look at the type of development that can or cannot occur on the Niagara Escarpment, do you believe things such as golf courses, commercial or industrial development should be acceptable on escarpment lands?

Mr Staff: The escarpment is a very huge area of land. If we had the map here in front of us just for regional Niagara, you'd find there are areas up to two miles away from the escarpment that come under its protection. When we talk about the actual escarpment face and that particular piece of land, I think it needs good protection.

But we have to look at what can happen, because in my own instance, where I have lands that are up to two miles away from the escarpment, I have to live there and I have to still be able to make a living there. That's one of the reasons I've tried to be on this commission. My name has been before this commission for 12 years, because I'm a major landowner. There have never been the interests of major landowners represented on the commission, to my knowledge. We have to balance what I as a person can do. I wonder whether two miles is the right designation. It's an area of concern, but then that's what the commission is for, to look at the rules.

Mr Agostino: Just about what you said, do you envision part of your role being to represent the interests of major landowners on the NEC?

Mr Staff: No, I just pointed that out as a for-instance, that landowners have to be represented. I think I can represent landowners. I think I can represent any point of view, if the arguments are made for it. That's part of the commission.

1020

Mr Bradley: I guess I should address you as "Your royal highness," because you're still the Ontario Grape King, until at least near the end of September. I think it gets to that question of a position we're all placed in, whether it's as elected politicians or on boards or commissions: Do you believe it could place you in a difficult conflict-of-interest position by being a landowner in that while we recognize the landowners would exempt themselves from consideration of their specific property, policy decisions that are made could benefit or not benefit people who own land on the escarpment? Do you believe that could make it very difficult for you to be able to carry out your responsibilities as a commissioner?

Mr Staff: I don't think there would be a difficulty on my part, because the act is a given, and it's up to the commission to work within it. I believe all sides of the coin have to be looked at. I'm not downplaying what the commission has done before, but I'm saying there is another side of the coin, lots of issues. I've been to many commission meetings and listened to the debate that took place, and in every one of those I felt there was something else that could be added. That's where I think my expertise would come through.

Mr Bradley: The Ministry of the Environment, in about 1989, I think it was, assumed responsibility for the Niagara Escarpment Commission because it was felt by the government of the day that the purpose of the Niagara Escarpment Commission was to protect the Niagara Escarpment lands, to preserve those lands, to, if I may use the word, conserve those lands. Subsequently, it was moved to the jurisdiction of the Ministry of Natural Resources. I have my own theories as to why. Do you believe the Ministry of Natural Resources can better be the ministry responsible for the preservation of the Niagara Escarpment lands than the Ministry of Environment?

Mr Staff: First of all, I'd have to say that it's far beyond me to comment on the wisdom of a government decision of the day.

Mr Bradley: I thought I could get you to do that.

Mr Staff: Being in the grape industry, I've had to work with politicians on a daily basis. My comment would be if that's the case, then why are all the parks under natural resources?

Mr Bradley: Good question.

Mr Staff: Our parks are there, the escarpment commission is there. I ask that question as a statement. After all, it's all in this province; it's all the same province. There's a set of guidelines for them to operate under. The mandate is to operate within the guidelines. Maybe the

Ministry of Health should be the one to administer, but far be it from me to get into that.

Ms Churley: Thank you very much for coming in this morning. I'd like to try to get to the heart of some of the concerns that I'm sure you have heard expressed by now. I'll quote something back to you that I read in an article that you said: "I think (the commission) needs some balancing. It has been heavily weighted to the side of conservation." I'd like to understand better what you meant by that. If you believe that, what do you think has gone wrong in the past and what would you as the new commission do to change what you perceive or believe is unbalanced in the commission? How are you going to change things at the commission?

Mr Staff: First of all, I'm going to work as a commissioner within the commission. Being one person out of 17. I can't change it myself, but I would hope there may be two or three areas, one being the public perception and the public being able to access and get information and have information dispensed to them that is correct for the day involved.

The second thing would be an awareness of the public that, as I understand it, between 60% and 70% of the land involved is still private property. In my instance, the problems I'm having with people saying it's government land — there's nothing I've seen, though maybe there is, that has gone out to try and reinforce what's public and what's private. The private people in my area — and we're in a high-usage area — are taking a real beating on people walking in and just doing whatever they want. I think there has to be a new awareness generated from the escarpment commission that a great deal of this area is private land. I don't know whether I can accomplish that or whether it's even within our mandate to do it. I don't see it within the mandate, but somewhere there has to be a new fostering of that.

Ms Churley: Just following up quickly on that, do you believe, then, that people should be able to do what they wish on their own private property, or do you believe there needs to be some intervention?

Mr Staff: Every one of us has restrictions put on us, whether it's by the municipality, whether it's by the region or whether it's by the provincial government. That is where the public consultation comes in, where the review of the escarpment commission comes in every five years, so the public can give their input as to what can and cannot be done.

Ms Martel: Thank you, Mr Staff, for attending today. Can you outline to the committee what your association was with the Niagara Escarpment Landowners Coalition?

Mr Staff: I was a member for a number of years, and I believe the last year it was working I was a board member.

Ms Martel: Can you describe the mandate of the coalition to the committee?

Mr Staff: I can't give the mandate to you verbatim, but it is for the preservation of the escarpment. That's first off.

Ms Martel: What does it say about private land versus the balance with the escarpment plan and the commission?

Mr Staff: That private landowners should have a greater voice in what's going on or in helping to shape the rules that are there.

Ms Martel: Should that voice be superior to whatever the commission has in place in terms of the act and the need of the commissioners to apply the act and the plan?

Mr Staff: No, I don't think it should be superior. I think it should be on an equal basis.

Ms Martel: The letter that was written to the Canadian Commission for UNESCO was pretty clear. It said, "We wish to formally request the temporary suspension of the biosphere designation for the Niagara Escarpment planning area." As far as I know, that letter is still on the books; it has not been withdrawn. So as far as I can tell, the coalition would still like to see that.

Again, I ask you the question, do you support the designation of the escarpment by UNESCO as a biosphere reserve?

Mr Staff: If you read on in the rest of that and read all the preamble of it, rather than just taking the first sentence, you'd find out that we were requesting — and I believe the words were there — "temporary suspension" until all 10 points that are in the UNESCO mandate are addressed.

Ms Martel: But the request hasn't been withdrawn; there hasn't been a change. At this point —

Mr Staff: I still stand by that until the commission addresses all 10 issues. Why aren't we addressing the other seven? I ask you the question.

Ms Martel: So until the commission addresses the other ones, the designation should be temporarily withdrawn.

Mr Staff: But I still think there's nothing wrong with the UNESCO designation, and I stated that earlier. There's nothing wrong with it, providing all 10 points of interest are addressed.

Ms Martel: You said earlier that you wanted landowners to be represented on the commission. When I checked with the commission, my understanding was that in the last 20 years only three people who have been appointed have not been people who have lived in the escarpment and been people who have knowledge of the escarpment. So I'm curious as to your concern that you want landowners to be represented. If I look at who has been there, they have been people who have lived in the escarpment and have knowledge. Can you explain your view?

Mr Staff: I'm making the statement in the area of what I perceive, that there's a difference between the points of interest and points of view of someone who has a lot or a small retirement farm, as opposed to someone who has to make their living off practically every last acre involved within the escarpment area.

1030

The Acting Chair: One final question, Ms Martel.

Ms Martel: In terms of your appearance with respect to the Twenty Valley Estates residential subdivision, you said you had been there and you had to express a view. Were you subpoenaed to be there, or did you go to represent a particular party, and which one?

Mr Staff: I went to represent the landowners who were applying for the application. I had, up until about a year ago, a small agricultural consultative service, where I would go and look at the capabilities of a particular piece of land and advise people whether it was suitable for grain or whether it was suitable for growing grapes; in other words, looking at land and judging its capabilities and what can be done with it.

Ms Martel: So you were in support of the subdivision.

The Acting Chair: Thank you, Ms Martel.

Mr Baird: I appreciate your coming in to discuss your potential appointment with the committee.

I suppose one thing you have different from most of us around the table is that you actually live in the escarpment area. I represent a suburb of Ottawa, so I can tell you, before I was elected I didn't have a tremendous amount of knowledge about the NEC. In the House we've had two private members' resolutions on the issue, so I had to quickly try to acquaint myself with it. I supported both resolutions, one brought forward by Mr Bradley in support of the NEC and a separate one brought forward by Mr Skarica. I'm generally supportive of the role and mandate of the NEC.

One of the issues that has come up has been with respect to a balance. You mentioned there are 17 members on the board. Obviously, we wouldn't want all 17 to represent the same point of view; you want to strike a healthy balance between the rights of those folks who live there and of course the overall provincial policy objective of the commission. That's the whole purpose for its existence.

I wonder if you could discuss some of the common complaints and the perspective you would bring. I had heard that in the past there have been complaints of secrecy, perceived arrogance in dealings with the public by the NEC, inconsistencies in their decisions and long delays — a lot of customer service issues which arise and have some residents in that area concerned. What sort of perspective would you bring to the 17-member board on that issue?

Mr Staff: First of all, I have to be appointed to be able to get to the inner workings of what's going on. But in dealing with the commission personally over a number of years. I had to ferret out the rules I could work under. rather than them being addressed to me. I find that disturbing. In other words, I wanted to build a new airplane hangar. They told me, "Just don't bother applying, because airplanes have nothing to do with the Niagara Escarpment." Yet I plant hundreds of acres a year with an airplane. Has the commission not caught up with what's going on out there in the field? I use that as a small example of how we have to get in touch with what's happening, and that's a very small example. But in making that application, I was the one who had to ferret out that if I built it over 300 feet away from the road I didn't need to apply, yet I was held up for weeks while we were getting

through that. I had to read the whole act to be able to interpret it.

I don't think that's right. I think the commission is there to help people, not to just throw a roadblock up and say no.

Mr Baird: Just as a comment, I think if folks, even when they make an application and it's not favourably received, can feel it has been dealt with fairly, has been dealt with in a reasonable period of time and there's adequate reasoning for the decisions and some degree of consistency in them — even those people who may disagree with the decision of the NEC would at least respect the process. That's certainly a concern that a good number of residents of the area have raised. I appreciate your time.

The Acting Chair: Thank you, Mr Staff, for appearing before the committee this morning.

FRANK MILLER

Review of intended appointment, selected by official opposition party: Frank Miller, intended appointee as chair, Ontario Parks Board of Directors.

The Acting Chair: I'd like to call our next intended appointee, Mr Frank Miller. Good morning, Mr Miller, and welcome to the committee. Do you wish to make a few opening comments?

Mr Frank Miller: I'm glad I came a little early. The Acting Chair: We're moving right along.

Mr Miller: It's a change to sit on this side of the table and to look at the rest of you. I was thinking back to my first term — some of you are still in your first term, I assume — and the first job I was given on a special committee of the government. It was with a former Premier of the province, Leslie Frost, who chose to be chairman of a committee to design the master plan for Algonquin Park. All of us who had a riding touching Algonquin Park, no matter what party we were in, were put on the committee so we'd have some input. I recall him saying that of all the things he could do in his last public task, he chose to work in the parks because of his love for them. It's safe to say I feel the same way.

I was lucky enough to serve in a number of ministries. You can't really like being health minister; I'm sure when you're Treasurer you have more friends on the opposition benches than you have on your own side; industry and trade is interesting; but natural resources is without a doubt the one ministry that was able to arouse my real passion and interest, because I always felt that things there really did matter to the province in the long run.

Among the things the Ministry of Natural Resources was responsible for, of course, were the parks. In my very brief time — 18 months — as minister, I tried very hard to see most of the parks we had. I saw quite a few of them. I see there are now 272. I don't know how many there were then. That's a lot of parks.

I really believe the parks are a vital part of our future, and that the mandate of the committee, which is basically to protect them, to plan for their development, to develop them and finally to manage them, is an important task.

That's why I was very happy to have the opportunity to serve on this committee. I must admit I didn't know I was the chair until the order-in-council arrived, but I'm happy to be. All the material I read said the deputy minister was.

In my years, I had the opportunity to see some parks created and to see how sometimes the opportunity to get private land especially doesn't have a lot of lead time. With crown land you have a fair amount of lead time.

I'm thinking, for example, of Hardy Lake Provincial Park, where a man named Nelson Davis owned a prime piece of my riding, Muskoka, about 13,000 feet of lakeshore. I don't know anywhere else in Muskoka where anybody owned 13,000 feet of lakeshore. He had threatened to leave the province and take all his money if we ever tried to buy it for a park. Luckily — I shouldn't say "luckily." He dove into his pool one day and didn't come up. Very quickly, the nature conservancy, in cooperation with the ministry, acquired that land. It's now, while not a developed park, a planned park and it's there for the future generations.

I can think of the Copeland forest, if some of you know that, which is about 50,000 acres of land just north of Barrie on Highway 400. Again, a family owned probably one of the few pieces of central Ontario that was accessible. It had all its roads closed, which is rare. It was well managed. All of a sudden, the family's cash need made it available as a park or a government property, and we bought that.

You can't always plan ahead and reserve, but I think we have a great park system which needs to be carefully managed in the interests of the future as well as the present, and I'm just delighted to have a chance to be considered.

1040

The Acting Chair: We'll start with the Liberal caucus.

Mr Bradley: As they would say in the United States, welcome, Premier.

Mr Miller: In Canada they forget so fast.

Mr Bradley: They retain the titles, whether it's ambassador or governor or whatever it is. They still call them the title long after they've lost the position.

Mr Miller: Only the opposition does it for me.

Mr Bradley: In the provincial realm too you lose the title "honourable" after you lose the position.

Mr Miller: Unless you're a PC, and I didn't quite make it, except in the party sense.

Mr Bradley: That's right; neither of us is a privy councillor.

My question is on your overall view of parks in the province of Ontario — I had to briefly absent myself from the committee — in terms of whether you feel we are adequately served today or we should be searching out new areas of parkland in view of the significant increase in population in Ontario and — I was going to say, "in view of the increase in leisure time," but I see somewhere that's changing, that we're all working harder again. What would your view be on that?

Mr Miller: I would guess if you asked the ministry staff or the parks staff, they probably have a whole series of places they'd like to create parks, but unlike most of the United States and many other countries, Ontario is still 84% or 85% crown land, which means we have ownership of a great deal of land where its future use is still within the control of government. I think that gives us a flexibility that very few other regimes have.

Mr Michael A. Brown (Algoma-Manitoulin): Good morning, Mr Premier. As you know, in recent years the government has been looking at ways to raise revenues in extraordinary fashions, from fees etc. One of the concerns many people have with the parks today is that they will become increasingly forced to look to their own revenues for support of the park system, perhaps at the expense of the public interest. Some of us are concerned that the provincial parks are part of our heritage and we really don't want the KOA-type facilities in our provincial parks. I wonder if you could give us some of your views on revenue from the parks and privatization of parks.

Mr Miller: I was looking at the five-year plan the ministry had in place for the parks, and it was saying that something like 43% of the cost of the parks is generated in income today and their objective is something like 60%. That may mean more ways of raising dollars that don't necessarily raise fees. I think in that plan they go into a number of alternatives, none of which I have tried to evaluate yet. I think it would be premature for me to jump to conclusions about whether they do or don't. The primary responsibility of a resource like that is that it be well maintained, well run and accessible. We have to keep that in mind as we look at the options that come before us.

The most important change has been the accounting procedures that permit the ministry to segregate the moneys that flow into the parks for future improvement of the parks. I have to say, in my years as Treasurer that was contrary to central policy, in that we said all moneys flowed into the general revenue fund and then budgets allocated spending. But that resulted, particularly in parks, in very silly manoeuvres. If ice cream cones sold well, you stopped selling ice cream cones because there was no money to buy ice cream. That really defeated its own purpose. I think they've taken some accounting steps that allow more ingenuity in the use of the moneys and therefore more incentive for the people in the parks to see that the increase is used to their benefit.

Mr Michael Brown: I'm a northern member and represent Algoma-Manitoulin. You made the comment that 84% or 85% of this province is crown land, and that's true. It often occurs to people from our part of the province that southern Ontario is a place where there needs to be more emphasis on parks in general. This is where there aren't great expanses of public land. I wonder what your view of that is. Certainly we have lots of opportunity in the north to do many more good things in terms of parks, but there is limited opportunity, at least from where I sit, in southern Ontario.

Mr Miller: Luckily, there are federal parks, there are provincial parks, there are municipal parks and there are

conservation authorities. As you know, over the years conservation authorities broadened their mandates to provide a lot of recreational land in the name of flood control. I think some of that has been restricted; I'm not up to date.

It's important that land for recreational purposes be close enough so that the average person can get to it. I think that's the point. Polar Bear Provincial Park would be a great example. I think it had 62 visitors the last year I saw figures for it. It's a pretty hard place to get to. You can say it's a huge park, the biggest in the world or whatever it is, but the fact is it isn't much use to somebody who lives in the outskirts of Hamilton. One has to keep their needs in mind too.

Mr Michael Brown: Just to bring you up to date, you would know that the conservation authorities are under tremendous pressure these days.

Mr Miller: I'm aware.

Mr Michael Brown: Part of my thinking was that there may be opportunities the province may have in that the conservation authorities may be in positions where they will be selling land, maybe not in the provincial interest from a government's point of view.

Mr Miller: That's one I wouldn't want to cross until it happened.

Ms Churley: Thank you very much — I'll follow my colleagues — Premier. It's nice that we have this opportunity this morning to talk to you. We wanted you to come in — and I realize this is new to you — to talk a bit about the new direction of the government on the operation of parks.

As you know, the minister made an announcement, I believe last year, about operating provincial parks as a business. As has been pointed out, about 70% has been cut from conservation budgets. The Ministry of Natural Resources itself had huge budget cuts. About 2,107 jobs have gone, which all impact on our parks. The minister, to deal with these cuts in the parks area, talked about a more businesslike approach and that the parks have got to be able to start generating revenue.

We don't really know where all this is going at this point, but we do know that in part of the mandate, some of the functions include developing marketing strategies for the provincial parks, raising funds, employing a variety of entrepreneurial strategies. There's a real focus on raising revenues through the parks. I don't necessarily have a problem with that.

But I do have some concerns. We don't know exactly where this is going, and there are some concerns about how high user fees should go and parks being turned perhaps too much into commercial entities to raise money, and concerns that if some smaller parks can't meet the bottom line they might be shut down.

I know that's a lot here, but I'm expressing some of the concerns about where we may be going in terms of the parks as we know them changing. I'd like to know what your views are on how this can be managed to raise necessary funds but without going overboard.

Mr Miller: I was both pleased and surprised, in reading my briefing material, to see that that change of

direction and emphasis occurred while you were the government. I believe it was a policy in about 1994 or 1995 to increase the generation of revenues from the parks. I may be wrong there; that's the material I was given.

Ms Churley: You're wrong. There was a plan to raise some fees and generate more revenue, but it's this government's direction to make the big cuts and turn it more into a business plan.

Mr Miller: First of all, you can't have sat in the treasury and cut people's budgets without understanding that it's not a pleasant task, and it has many repercussions and forces all ministries to take steps they otherwise wouldn't take. That's a given. I have to live, as a person appointed by government, with those decisions. Certainly I can't do more than try to fight for those parts of the pie that we believe we need to cover our mandate, so I'm not going to try to get into policy. That's no longer my job. My job is to try to flesh out those objectives. That's what the committee is for. I don't really know the members of the committee, so I'm starting out with a fairly fresh approach to it. I would think they represent a wide spectrum of points of view. I hope they do.

Ms Churley: Not necessarily. We'll have to check into that for you.

1050

Mr Miller: Time alone will tell. I can tell you there are always disagreeing points of view when it comes to parks, in terms of how they should be used and how they should be kept. We'll be listening to those. Rather than jump to conclusions to say the plan is fixed, it isn't. My understanding is that's exactly what the minister wants the committee for: to take what they see as their objectives today and offer advice on them. Rather than prejudge what's happening, I'm hoping I'll listen to the points of view and, with the committee, offer the advice as we see it.

Ms Martel: Thank you for appearing here today. Part of the concern is that if you look over the number of parks that have been traditionally operated by the province, you wouldn't see that the vast majority of them have been self-sustaining. It's not the nature of provincial parks. You referenced Polar Bear; there's any number of other provincial parks in the province that have never broken even, nor would they ever break even, because of the number of visitors. But they have been protected for the public for various reasons.

My overwhelming concern is, given that the government's approach now is to make the parks pay and make them generate the revenue to be self-sufficient, the vast majority of them are not in a position to do that. You can sell baseball caps and cups and everything else you want at the park entrance, but at the end of the day the only way you're going to find the money to make up that shortfall is through fee increases. Let's face it: The people who use our parks in the province — there's a lot of seniors, there's a lot of disabled people, there's a lot of families who use the parks because that's what they can afford. If we're looking at trying to sustain a number of parks that are not sustainable otherwise, I think we're talking about

huge fee increases. I just don't see any other way you can raise that kind of money to make them self-sufficient.

Mr Miller: I don't think self-sufficiency was defined as an objective. I think 60% of the expenditure was set as the objective, if I recall the plan. I may not be accurate, because obviously I haven't been briefed by ministry staff, so I'm going on the basis of what I read. It's like any museum. I was commenting the other day about the steamer Segwun, which I've been associated with on the Muskoka lakes for years. It's probably one of the very rare museums that has a cash flow surplus. The very existence of those kinds of protected historic assets or whatever is that generally you have to contribute to their maintenance.

I can't see parks being a cash cow. I can see them becoming more efficient and still delivering the service. That's more the way I would like to think of the mandate. I hope there aren't any tests that a park has to close if it doesn't make money, that kind of thing. I'm saying that off the top of my head, but I would hope that was the case. In other words, we have to look at the value to the public, rather than the balance sheets specifically. What we have to do is see that the money that's spent is spent wisely. I hope we all would agree that should be our objective.

The Acting Chair: One last question, Ms Martel.

Ms Martel: So it would be your view that as chair, part of the direction you're going to give to the board, and I hope it's a significant part of the direction, is that parks have to continue to be accessible to the Ontario public and that will be a prime focus.

Mr Miller: Above protecting them, that's the second objective, isn't it, to have them both there and accessible?

You've been Minister of Natural Resources?

Ms Martel: Northern development.

Mr Miller: Well, you'd still hear the same fights about whether the government competes with small local industry or not, or small local campsites. In my area of Muskoka, which is heavily tourism-oriented, the complaints were always that the bargains were too good in the parks, as opposed to the prices the private sector had to charge. I don't know whether that's still the case, but that certainly was when I was around. They were always complaining that it was unfair competition because the best values, and of course the best sites, are in the parks. A balance is what we're trying to strike.

Mr Chudleigh: Premier Emeritus, nice to have you with us. Thank you very much for coming.

Mr Miller: I'm not sure about the "emeritus" part.

Mr Chudleigh: Ontario Parks is a huge facility. I think we have 14 million acres of parks in Ontario. Compared to agriculture, which represents perhaps a little more than nine million acres in Ontario, putting it in perspective, it is a huge mass of land to manage.

Earlier this year or late last year we set up this specialpurpose account that the funds flow to, through the parks service, in order to reinvest those funds and avoid some of the accounting nightmares you've referred to earlier. This situation will impact on the board to bring in a balanced approach between preserving the natural heritage of our parks for the purposes the parks were originally set up for back in 1893, beginning with Algonquin Park I believe, and balance this against the commercialization which has been mentioned as a concern.

In moving the priority of the income flow from the low 40s as percentage of their income to 60%, do you see any problem in this balance in prioritizing where this money will come from? Are you comfortable with that policy objective, while still maintaining the natural heritage and the purposes of our parks system?

Mr Miller: I'm comfortable at this point. Until I face the realities and the problems of achieving that, I can't say whether it is a realistic objective or not. I have to take it as realistic until such time as I look at the causes and effects of trying to achieve it. If the committee felt it wasn't realistic, it would be our responsibility to give a different figure as an objective.

Mr Chudleigh: I would encourage you to do so.

Mrs Brenda Elliott (Guelph): Good morning, Mr Premier. Thank you for coming.

I was struck by your one comment about people having ideas about the commercial aspects of the parks presently operating, whether they're good value or bad value and how they affect the economies in the small villages and towns around the park.

I represent the riding of Guelph, and I found it very interesting that in two years I've had several constituents come in, either associated with the university or just very avid park users themselves, who had ideas about how to make our parks better. I think in your role as chair of this new parks board, you will have some very interesting ideas come forward from constituents all across this province on how to make our parks better. They will bring a commercial aspect to it no doubt, but I'm quite confident the overwhelming motive behind most of those people coming forward will be how to enhance our parks and build on the heritage all of us appreciate from time to time.

I just wanted to make that note for you, that there's a tremendous asset out there waiting to be tapped and I think you'll hear from a lot of those people, and to say to you that of all the people who could have been chosen for this position, because of your unique ability of having visited probably almost every corner of this province at one time or other and having talked to such a broad number of constituents, of interests and talents, you are uniquely qualified to take on this task. I was quite struck by your comment about the contribution you could finally make to the province. I wish you every success in this.

The Acting Chair: Mr Premier, thank you for appearing before us.

Mr Miller: It's a pleasure.

The Acting Chair: I might at this time mention that we have a former minister, Ruth Grier, and a former member, Mel Swart, with us as well this morning. We have a very popular committee this morning. Again, thank you for being with us.

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NORMAN SEABROOK

Review of intended appointment, selected by third party and official opposition party: Norman Seabrook, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Acting Chair: Our next intended appointee is Mr Seabrook. Welcome to the committee. If you wish to make a few opening comments, we'd appreciate that, and then move on.

Mr Norman Seabrook: Thank you for the privilege of appearing here. I strongly feel this should have happened 23 years ago to every appointment. I think we should be not only qualified but known to be qualified, to sit on this commission.

I have a brief profile. You probably have a copy of it. I will simply read that as the basis of my ability to serve on the committee, if appointed.

Early last June I was advised by the Ministry of Natural Resources that I had been officially nominated as one of eight delegates to represent the community at large as a member of the Niagara Escarpment Commission. I was and am honoured by this nomination for an important public service, and I'm pleased to offer the following outline of my background, experience and qualifications in accepting it.

I'm a lifetime escarpment resident, and my family has been involved with escarpment conservation since 1853; almost half a century of personal commitment to sustainable escarpment development; a two-term elected councillor in an escarpment municipality. I'm an active member, or have been, and participated in 12 recognized community associations — that's been updated to 17; lifetime connection with agricultural issues and rural affairs across Ontario. I was on the ARDA committee back in the 1960s and was appointed a delegate from the Ontario Farmers Union. I was a member and an instructor of local team sports for over 15 years. I had an association with the Boy Scouts of Canada as troop leader, group committee leader and district council from 1958 to 1975.

As a practising conservationist, I have been directly involved in private, public and commercial forest regeneration in the Niagara Escarpment plan area since the early 1940s, some 30 years before the plan area existed. During that time period, I also functioned as contract manager of several escarpment agricultural businesses based on sustainable organic farm practices. From 1982 to 1987, I was a field supervisor on federal and provincial conservation projects in western Canada, including rehabilitation of irrigation canals and Banff National Park maintenance. In 1993 and for several other years, I was an active member of the local chapter of the Ecological Farmers of Ontario.

This hands-on experience in good conservation practice has added to my knowledge and understanding of the Niagara Escarpment Planning and Development Act, legislation with which I have been intimately familiar since its inception on June 6, 1973.

I believe this background reflects a long-term commitment to the concept of sustainable conservation practices, as well as a keen interest in blending natural and human needs in the Niagara Escarpment plan. I'm a long-term supporter of escarpment protection. I'm prepared to also endorse whatever procedures might more effectively and democratically implement the act in its entirety and in accordance with its original intent.

Education: 1941, public school honours graduate, followed by wartime family farm obligations; in 1949, I took a two-year course in training in diesel mechanics; in 1960, I did a three months' welding theory and practice course; in 1964, three months machine shop training; in 1985, I was involved in a six-month alternative energy study with Georgian College; in 1990, provincially sponsored training in landscape architecture.

Business experience: From 1946 to 1950, I was involved in harvesting, hauling and processing commercial hardwood timber. From 1951 to 1953, I was in livestock management as herdsman. From 1953 to 1958, I was involved in the operation of the water-powered feed mill on the escarpment and the sale and maintenance of that plan. From 1958 to 1961, I was operator-manager of a farm and forestry operation on the escarpment. From 1961 to 1994, I have been an owner-operator of a construction/landscape equipment and supply enterprise.

Achievements: I was instrumental in the creation of two community centres in our hamlet; I chaired the Georgian College seminars on the future of a specific escarpment area; I was chair of the local chapter of the Ontario Farmers Union for a time; I was appointed a participant in the discussions on the future ARDA programs in the 1960s; I am the current chair of the Grey County Historical Society, which is dedicated to heritage preservation.

Personally, I've been married to the same wife for 47 years. We have nine children — eight living — 17 grand-children and six great-grandchildren. In addition to that, my father of 92 years looks after his own affairs yet.

Interests include history, gardening, travel, family and sustainable land-use planning.

Comment: I was brought up to have regard and respect for the democratic system and related natural justice. It would seem the voice and political influence of Ontario's rural population has noticeably diminished and urbanization of the rural landscape has become more and more evident. Many full-time escarpment residents are distressed by an apparent trend towards urban-based planning and land use control of rural areas without advance consideration of, consultation with or input from the affected property owners.

In my view, elected or appointed public servants must be accountable for the decisions they make. Thus, as a Niagara Escarpment Commission member, I would be guided by the mandate of the Niagara Escarpment Planning and Development Act in its entirety, always ensuring that the mandate is administered in the best interests of the escarpment's principal stakeholders and the public at large.

The Acting Chair: We'll start with the NDP caucus.

Ms Martel: Thank you, Mr Seabrook, for appearing. You are, as I take it, the chairperson of the Grey Association for Democracy and Growth.

Mr Seabrook: I have been.

Ms Martel: It says, "At present I am involved." I have a copy of your résumé in front of me, which was given to the committee. Can you tell us what the mandate of that association is?

Mr Seabrook: I have a flyer with me; I'll leave it with you. You can join if you wish. The title pretty well describes what it's about.

Ms Martel: On behalf of the association in 1995, you made a presentation at the Leading Edge 1995 conference, sponsored by the NEC. You said: "We question the legitimacy of the 'biosphere reserve' designation." Do you still support that statement?

Mr Seabrook: At this time I haven't found the answers I've been looking for, and until I find those answers I'm not answering any more questions. I have some concern.

Ms Martel: You still question the legitimacy?

Mr Seabrook: No, I question the obligations that this country may have placed itself under in accepting that.

Ms Martel: In that respect, in an interview you had with CBC which aired July 19, the reporter said, "Seabrook would like to see the commission abolished, its planning authority turned over to local municipalities.... He's researching the UN document designating the escarpment a world biosphere reserve, a designation he suspects will lead to forced depopulations."

The quote from you is, "I think Canada is obligated to do whatever the UN tells them to do in this biosphere reserve. Agenda 21 also states that there will be a human exclusion zone. There's no doubt in the world that much of this area will not be populated down the road; that's the intention."

Do you really believe that is the intention behind the UN designation?

Mr Seabrook: I can't answer until I get direct answers from these people.

Ms Martel: From which people?

Mr Seabrook: UNESCO. I have to see the agreement that was signed and I have to understand what obligations there are before I can make any comment on the biosphere reserve. I said it's probably a good idea.

Ms Martel: You said, "There's no doubt in the world that much of this area," meaning the Niagara Escarpment, "will not be populated down the road; that's the intention." That's what you believe is the reason behind the designation?

Mr Seabrook: That appears to be the direction we're headed.

Ms Martel: In your presentation in 1995, the recommendation you made was to "terminate the Niagara Escarpment Commission and the Niagara Escarpment

Planning and Development Act." Do you still support that recommendation?

Mr Seabrook: Yes, but not at this time. You have to remember that the act called for the completion of the plan and reviews and the whole thing, and then it was to go back to the municipal area. I still support that, but this is not the time to do it because of restructuring at the local level and because I don't feel the commission has completed its mandate as set out in the act.

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Ms Martel: You said — actually, this was the CBC interview again and this was just as of July 19 — "Seabrook would like to see the commission abolished; its planning authority turned over to local municipalities." That was quite a recent comment. Is your view still the same as the comment you made on July 19?

Mr Seabrook: That's what the act calls for, but not until the plan is completed and ready to turn back. I'm a human being and I make mistakes. God knows I made one back in the 1960s: I voted NDP.

Ms Martel: Are you aware that the minister has said he has no plans to end the escarpment commission, and that the only way he would consider that is if a concerted effort were made by every municipality to take control? He also said that a lot of people are pleased with the way it's being managed right now. Do you agree with the minister's statement?

Mr Seabrook: Yes, I do.

Ms Martel: You have a bit of a contradiction, as I see it, Mr Seabrook, between some of the most recent public comments you've made and what you're saying to the committee today.

Mr Seabrook: I don't think so. That's your opinion, but it's not mine.

Ms Martel: Let me ask you another question. This is with respect to some more of the comments you made in 1995. You said, "Your continued reference, 'The Niagara Escarpment is a continuous natural environment' must again be challenged!" Again a quote: "The notion that the escarpment is a continuous natural environment is inaccurate and is indeed a falsehood." Do you still believe those statements?

Mr Seabrook: The Niagara Escarpment was surveyed and settled in our area in 1840. If you tell me that's a natural environment, I will argue with you from here till doomsday.

Ms Martel: The phrase "natural environment" actually appears in the purpose which is outlined in the Niagara Escarpment plan. That says the purpose of the Niagara Escarpment plan "is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment..."

Mr Seabrook: That's section 2. If you read the rest of the act, you'll find out there's also great consideration to be given to the socioeconomic wellbeing of the area.

Ms Martel: But if I read the act, it also says that one of the responsibilities of the commissioner is to uphold the act. It says the role of the commission is to administer the plan. It seems to me that you have a fundamental

disagreement with the purpose of the plan. I'm wondering how you as a commissioner can then uphold the plan.

Mr Seabrook: I can only refer to the act in terms of what the late Ivor McMullin said back in 1980, that in his opinion the act was poorly written. That was one of the little pieces of it that was poorly written. There were assumptions made in that act that are not accurate and there are assumptions in the plan that are not accurate. I see where they say "the largest continuous forested area in southern Ontario." The escarpment is not a continuos forested area.

Ms Martel: The act sets out specific things; the plan does. Your role as a commissioner is, as I see it, to support both the act and the plan and the continued existence of the commission itself. Are you prepared to do that?

Mr Seabrook: I'm prepared to act in the best interests of the preservation of the Niagara Escarpment.

Ms Martel: Can I ask you as well, have you ever had any involvement or association with a group called the Wise Use Movement in the United States?

Mr Seabrook: No.

Ms Martel: Can I ask you as well, at the time you put your name forward or had someone put your name forward for you, you had an application before the commission to exclude your property from the planning area. Is that correct?

Mr Seabrook: Yes, in 1991 — in fact, I have the thing here. At that time the commission and staff had not given any reason to myself and others why the rural area should remain in the plan, so I asked to have mine taken out. Following that, the county of Grey made a presentation to the review to the same effect, so I put my proposal on hold. Six years later, lately, somebody has dug it out of the mud and said, "You've got a conflict of interest." I don't think I have.

It's unique that when I applied for a development permit to build a house and couldn't build it for a couple years, I had to go back and start over. They wouldn't acknowledge or renew my application. But when I have an application for a plan amendment, six years later, when it's convenient, it's dug up and shown as a conflict of interest.

Ms Martel: So you don't see it as a conflict that as a member of the same commission that would make a decision about whether or not to remove your property, you should still have that application? I know it's been withdrawn; it was withdrawn, after I raised it in the Legislature, within about 24 hours. But you didn't see, even at the time you applied, that there was a conflict of interest there?

Mr Seabrook: In my mind it was dead long before that. My house-building permit was dead.

The Acting Chair: Mr Baird, please.

Mr Baird: We would defer at this time to our colleagues in the official opposition.

Mr Bradley: In addition to your being a member of the Grey Association for Democracy and Growth and being involved with the presentation of a paper at the Leading Edge 1995 conference, I believe you have made comments that the escarpment preservation theme was overblown from the beginning, and as has been noted, you recommended the termination of the Niagara Escarpment Commission and the legislation related to it. Your observation in the paper was, "What has occurred since 1973, (when the NEPD act was passed), is a continuing government takeover of the use of private property within an arbitrary plan area."

All of those seem to be statements which are in conflict with the purpose of the Niagara Escarpment Commission, which is to protect the Niagara Escarpment from the kind of development we've seen in other jurisdictions where you have commercial, industrial, residential and other kinds of development that take away from its natural beauty. Do you still subscribe to those views?

Mr Seabrook: You've thrown quite a package out there. I can say I still subscribe to 50% of it; the rest I don't. The Niagara Escarpment in my opinion is a most valuable natural resource, but there's a lot more involved than a piece of rock. There's an aggregate industry, there's a forest industry, there's the tourist industry and there's the 90% occupation of human element. You've got to put this package together if you're going to make it work. You can't say this will be a continuous natural area. You can't say that. So I back up what I said pretty well all the way.

Mr Bradley: I take it from that, and tell me if I'm wrong, that there would be circumstances where commercial, industrial and subdivision development should take place on the Niagara Escarpment lands.

Mr Seabrook: Again you're throwing a big package at me, because some of it I would agree with and some of it I wouldn't. I do not in any way agree with rural subdivisions. The development of the aggregate industry has to be done with discretion, but always keep in mind that the users are the ones who are doing the bitching about where it's coming from.

Mr Bradley: You must be aware of this, no doubt: Did you support the moving of the jurisdiction for the Niagara Escarpment Commission from the Ministry of Environment and Energy and the Honourable Norm Sterling to the Ministry of Natural Resources and the Honourable Chris Hodgson? Did you support that? Do you think that's a wise thing to do?

Mr Seabrook: Absolutely. I look on the escarpment as one of the most valuable natural resources we have.

Mr Bradley: But if the Ministry of Environment's role is to protect the environment, the Ministry of Natural Resources doesn't necessarily have that role, because its clients in many cases are people who wish to exploit those natural resources. Do you not feel that if one wanted to preserve the Niagara Escarpment lands, it would be better to put them under the jurisdiction of the Ministry of Environment?

Mr Seabrook: Sir, you can make that distinction, but I do not.

Mr Bradley: Do you believe the designation of "world biosphere" by UNESCO should be maintained or do you think that should be removed?

Mr Seabrook: I wouldn't answer that until I had the answer myself.

Mr Bradley: You have never advocated that or suggested that at any time?

Mr Seabrook: Until I have learned what the obligations of this country and this province are to that commitment, I wouldn't pass an opinion on it.

Mr Bradley: Could you tell us how you became a member? Did you write a letter applying, or did someone approach you and say you should be a member?

Mr Seabrook: As a matter of interest, this is the third time I've been approached to be a member of the commission. The first time was back in 1978 or 1979, then again when the Liberals were in power. On both occasions my work was such that I couldn't commit myself to this task. These last couple of years I'm no longer carrying on with the work I was doing. I'm available, I have the knowledge, I have the background, and 25 years of my life, or maybe more, have been dedicated to the preservation of the escarpment. I would be a willing servant of the people.

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Mr Bradley: I understood you believed — and I know you will correct me if I'm wrong, sir — that the Niagara Escarpment land should really come under the jurisdiction of the municipalities.

Mr Seabrook: No. That's not what I have ever said. I've said the plan should be completed as set out in the act, then returned to the municipalities for control when that is suitable and they can accommodate it. That is what the act says and that's what I support.

Mr Bradley: Would you have a concern that if it were turned over to municipalities, it would be easier for people to get amendments to the plan to enable development? They know the local politicians, they're their friends, their neighbours, people they see at church, at the ballpark, at service clubs and so on. Just as we saw widespread severances being granted in Grey county and a great concern expressed about that, do you feel the same could be the case with Niagara Escarpment lands?

Mr Seabrook: If the plan were prepared as set out in the act, it would not be a concern to me.

Mr Agostino: One of the comments you made in the paper you presented at the conference was, "The appointed commission has at all times been stacked by members not representing the interest of the citizens on the escarpment." We were told earlier that the vast majority of appointees continue to be landowners and people on the escarpment. How do you suggest that the interests of the citizens on the escarpment have not been protected by the fact that most of them have been citizens of the escarpment? Whose interests are they protecting?

Mr Seabrook: The appointments from day one have not taken into consideration properly, in my opinion, the residents of the escarpment property owners. I wrote to the minister of the day in 1974 advising him of this fact. He

wrote back and said, "You are adequately represented," which I knew not to be true. I don't know the figures, but from then until now there have been very few escarpment resident property owners sitting on that commission. They may be associated with the municipality but they're not escarpment residents.

Mr Agostino: Let's look at the numbers. If you look, and Ms Martel made reference to this earlier, that certainly is not the case.

I just want to go back to the issue of the abolition. I have a difficult time trying to understand why you'd want to be part of a commission that you don't believe should exist. Are you not condoning the existence and the ongoing work of that commission by saying, "I want to be on it," and at the same time advocating the abolition of the same body?

Mr Seabrook: The 23-year inadequacy of the commission's activity caused me in frustration to make that statement. The commission has not, in my opinion, completed the task set out in the act, and this would be the wrong time to terminate the commission due to other circumstances. That's the reason I guess you could say I backed up a little on the abolition of the commission.

Mr Agostino: Just to go back to the earlier point, you still believe that the commission you want to sit on should not exist and should be abolished at some time.

Mr Seabrook: In due course, as the act states.

Mr Chudleigh: Thank you very much for coming in today, Mr Seabrook. You've stated today that you see the Niagara Escarpment as a unique geological formation. You say it's one of our most valuable natural resources. I take it from your comments that you feel there is a need for balance within the workings of the commission so all users have a seat at the table, as it were.

I've been interested in listening to the conversation. I think there are some definition problems between what you consider to be a natural environment and what perhaps some members of the opposition consider to be a natural environment. Those will be interesting to watch the fallout of.

Minister Hodgson has been clear, and he has stated on several occasions, that the Niagara Escarpment Commission will continue to operate and that the Niagara Escarpment Planning and Development Act will remain on the books. In as clear terms as you can put it, do you agree with those two statements?

Mr Seabrook: Until such time as the act has been properly concluded, I totally agree.

Mr Baird: Thank you very much for coming in today. The Niagara Escarpment Commission has 17 members. Do you think it would be wise to have all those 17 members represent one viewpoint or do you think it would be good to have a whole spectrum of opinion?

Mr Seabrook: I have no objection to the composition the commission was set up with in the first place, but the exclusion in the selection process of resident escarpment property owners has been so obvious through the years, there has been no balance. That's why I said at the outset that I think this review should have taken place from day one, to ascertain the interests the commission is composed of, to make sure you had a balance. That's the only way you could be sure.

Mr Baird: It's been taken at the provincial level, through the development of the Niagara Escarpment planning act and the commission, that provincial interest has been deemed when it was created. The minister has said it's not only a policy of his but of the government's to maintain that and the act. However, the effect it has on the communities — you obviously want a broad spectrum of opinion on the board so there is at least some input from the affected communities on the board.

Mr Seabrook: Yes.

Mr Baird: You mentioned earlier, and I just wanted to follow up on it, your long-standing interest in the commission and that you've been approached in the past to sit on it. Could you maybe just give us some background on that?

Mr Seabrook: I've been involved from day one. I was one of the people initially who took a close look at the act — I shouldn't say it but I will — a lot closer than the politicians who passed it looked at it. We had concerns from day one. I've been involved ever since. I was thinking, when I was coming down today, I've been to 400 or 500 meetings in between there somewhere all related to the Niagara Escarpment. I've been through that act from beginning to end many, many times. I've discussed it with more knowledgeable people and my opinions are not strictly my own They're based on research and others' observations as well.

Mr Baird: You mentioned in an earlier answer that you were approached in the 1970s and then the 1980s with respect to an appointment.

Mr Seabrook: Because of my ongoing involvement, they felt I should be on there as a representative. It wasn't possible at that time.

Mr Baird: This was under governments of other political parties. You mentioned it was also by a Liberal government.

Mr Seabrook: Yes.

Mr Baird: What year was that?

Mr Seabrook: Whenever the Liberals came into power, when Peterson became Premier.

The Acting Chair: Thank you, Mr Seabrook, for appearing before the committee.

At this time I would like to turn to the committee and look for motions for concurrence. The first one we'll deal with is looking for a motion for concurrence in the appointment of James Rainforth as an appointee as publicat-large member of the Niagara Escarpment Commission.

Mr Baird: I would move concurrence on the appointment of James Rainforth as a member of the Niagara Escarpment Commission.

The Acting Chair: Debate? Discussion? Do we have concurrence?

Mr Baird: Could I get a recorded vote?

Ayes

Agostino, Baird, Chudleigh, Churley, Elliott, Ford, Gravelle, Martel, Preston, Ross, Bob Wood.

The Acting Chair: It's unanimous.

The next one we'll look at is a motion for concurrence in the appointment of Louis Zurini as appointee, public-atlarge member, Niagara Escarpment Commission.

Mr Baird: I would move concurrence on the appointment of Louis Zurini as a member of the Niagara Escarpment Commission.

The Acting Chair: Any debate? All those in favour? Mr Baird: Could I ask for a recorded vote.

Ayes

Agostino, Baird, Chudleigh, Churley, Elliott, Ford, Gravelle, Martel, Preston, Ross, Bob Wood.

The Acting Chair: It's unanimous.

I'm looking for a motion for concurrence in the appointment of Howard Staff as an appointee as public-at-large member for the Niagara Escarpment Commission.

Mr Baird: I would move concurrence on the appointment of Howard Staff as a member of the Niagara Escarpment Commission.

The Acting Chair: Debate?

Ms Martel: The New Democratic Party would not concur with the appointment. Do I have some time to speak to that, Mr Chair?

The Acting Chair: Yes, you do.

Ms Martel: We continue to be very concerned that Mr Staff was associated with an organization, namely, the Niagara Escarpment Landowners Coalition, up to the time of its demise some two years ago, as he indicated, an organization which had taken the time and the opportunity to write to the Canadian High Commission requesting the temporary suspension of the UNESCO designation.

As Mr Staff put it to us this morning, they did that because they were concerned that some of the conditions had not been met by the commission and that designation should be withdrawn or suspended until such time as the conditions were met. The fact of the matter remains that this letter still appears in standing with the commission.

I think the majority of the public in Ontario were very pleased with the UNESCO designation and would not want to see anything happen to jeopardize our continuing to have that particular designation. I am very concerned about his affiliation with an organization that would have that as its premise and as its request, whether or not there were conditions they believe the commission hadn't met or whether or not the circumstances around all that were indeed the case. We cannot support the appointment of an individual who has been associated with a group that has had that particular affiliation and view.

Secondly, we are concerned with the fact that Mr Staff appeared as a consultant on behalf of a group of land-owners who wanted to have a development and talked

about the reasons why he did not believe that land was prime agricultural land, as he has every right to do as an individual. However, we do note that cabinet only several months ago, in dealing with an OMB decision, supported the Niagara Escarpment Commission's ruling in that particular case. Therefore, it would seem to us that Mr Staff and the group he represented at the time, the group of landowners who wanted the property development in question, had a very different view than cabinet and at the end of the day cabinet supported the commission. We find ourselves very concerned with the difference in opinion there with respect to what cabinet's final decision was.

For those two reasons, (a) the position that was taken with respect to Twenty Valley Estates and where cabinet ended up in relation to where Mr Staff was and (b) with respect to the issue around the temporary suspension of the UNESCO designation, we believe we cannot support this appointment.

Mr Peter L. Preston (Brant-Haldimand): As to Mr Staff's situation as a consultant, he was asked in his own words what the soil would do. That in no way indicated he was in favour of the decision. As a matter of fact, he made a point of saying he was not in favour of or against the decision for the Twenty Valley Estates, which parallels — Olson's lawyer does not have to believe in Olson; he does his job as a lawyer. Mr Staff did his job as a consultant. That in no way said he was either for or against the Twenty Valley Estates. He has no apparent argument with any cabinet decision; he just said what the soil would do.

Mr Baird: I listened with great interest to Mr Staff's presentation and the questions and answers. I found he showed very solid support for the Niagara Escarpment Commission and the act. Different opinions and views on the commission are necessary, as long as the overall objectives of the Niagara Escarpment Commission and the act remain intact.

This gentleman obviously knows a terrific amount about the escarpment. He's lived there for many years and has a strong background in the agricultural community, which is obviously a key stakeholder in the vicinity. I'm supportive of his nomination.

Ms Churley: Following up on my colleague the member for Sudbury East and the comments from Mr Preston, I'd like to clarify this: Mr Staff argued that the property in question wasn't prime fruitland. We have to be clear here. Unfortunately, we can't any longer question Mr Staff, but it's my distinct impression from what I've read and even from listening to him today that that was his position, that he took a position on this particular piece of land.

Mr Preston: "And it wasn't mine"?

Ms Churley: He had said that the land in question wasn't prime fruitland in his opinion, so I'm responding to that, to clarify that issue.

I want to reiterate, Mr Staff has a right to his opinion — nobody's questioning that — and he has a right to be involved in his community, to have his say, which I understand he has done on many occasions. Nobody's disputing that.

My concern comes from some years back. The member for Grey-Owen Sound and a few other members from the then third party, the Tories, complained vigorously about the Niagara Escarpment Commission, and in fact one member vowed after becoming government to try to get rid of the thing.

I have to tell you that I have some serious concerns about the steps that have been taken to date. We have a loosening of the aggregate controls. That happened under the previous environment minister, who is here. The present environment minister did mitigate that to some extent, but it was still a loosening. We watched while the commission was transferred from the Ministry of Environment, whose job it is to protect the environment, unlike the Minister of Natural Resources, who has a mixed bag, who's not just there to protect the parks and the escarpment, but also is in charge of the aggregate businesses.

We watched these particular steps happen and I'm afraid we are now seeing some of the people who are being brought forward to appointment — in my view, it's falling into what I believe is the final, later position — and also I failed to mention the budget cuts. There are a number of issues here that bring me to the conclusion that this government is taking steps to, first of all, weaken the Niagara Escarpment Commission, and to see its downfall, notwithstanding that it's been quoted here today that, "Oh, yes, the Minister of Natural Resources says he supports it."

There is all kinds of evidence to indicate that we're heading in a very dangerous direction here. No matter what party people belong to or what their points of view are, that the bottom line is we have to appoint people who are unequivocal in their support of the principles of the Niagara Escarpment Commission and, I would say, the majority of people in Ontario.

On those grounds, I would say Mr Staff should not be appointed to this commission at this time.

Mr Preston: I'm going back to the statement that Mr Staff said the ground was not conducive to growing fruit. How on earth — no pun intended — does that point to his saying he agrees with the Twenty Valley Estates development? It doesn't. He was consulted; I'm consulted; this is a cup. I don't have to agree with what it's used for or disagree with what it's used for. I was asked what it is, and that's all he was asked, as a consultant to designate what the land could be used for agriculturally. That's the bottom line.

The Acting Chair: Might I call for the vote? Ms Churley: Recorded vote, please.

Ayes

Baird, Chudleigh, Elliott, Ford, Guzzo, Preston, Ross.

Nays

Agostino, Churley, Gravelle, Martel.

The Acting Chair: Carried.

I'm looking for a motion for concurrence in the appointment of Frank Miller as a member, Ontario Parks board of directors. Do I have a motion for concurrence?

Mrs Elliott: I move concurrence in the appointment of Mr Miller as a member of the Ontario Parks board of directors. May I add that I think we're fortunate to have the opportunity to receive the advice of a former Premier, and honoured to have his leadership on this board.

Mr Baird: I would concur. I think the province would be tremendously well served to have Mr Miller take this position. I found very interesting the way he said that Leslie Frost had undertaken a similar position, and we should be thrilled he's prepared to give more time to the province than he has already given.

The Acting Chair: All those in favour? Opposed? It's unanimous.

The last one we're dealing with today is a motion for concurrence in the appointment of Mr Norman Seabrook as public-at-large member for the Niagara Escarpment Commission. Do we have that motion?

Mr Chudleigh: I move concurrence on the appointment of Norman Seabrook as a member of the Niagara Escarpment Commission.

The Acting Chair: Debate?

Mr Agostino: First, Mr Chairman, I'd like to ask if it's possible to seek unanimous consent to give the government an opportunity to withdraw the application.

The Acting Chair: Do we have unanimous consent? Mr Baird: I don't know if that motion is in order.

The Acting Chair: Is it in order?

Mr Michael Brown: Anything is, by unanimous consent.

The Acting Chair: Do we have unanimous consent? Mr Baird: No.

The Acting Chair: We don't have unanimous consent; I'm sorry. Further debate?

Ms Martel: The NDP cannot support this appointment. Let me give a number of reasons why. First of all, with respect to the conflict of interest I raised in the House on June 23, I continue to believe Mr Seabrook had a conflict of interest at the time he put his name forward and at the time the minister, on June 12, stated that he would be accepted as a board member and that he would come to this committee.

People should know that as a consequence of my raising that question on June 23, later that afternoon the minister's office called the Niagara Escarpment Commission and asked if this was true. Within 24 hours, Mr Seabrook called the commission and said he would be withdrawing his application and would send a letter to the same.

I believe he was in a conflict of interest. In 1991 he put in an application to have his property, which is controlled under the Niagara Escarpment Plan, removed from the plan. I do not believe that as a board member or a potential board member it is appropriate that he should also continue to have an application before the same board

that he wishes to be a member of. It is that same board that would make a decision on that application.

I am quite surprised that during the course of questioning here today, Mr Seabrook did not seem to think or feel or understand that this was a conflict of interest. There is no other way to describe it. He would have been in the position of being a member of a board that would make a decision on his application with respect to his property. Surely to goodness that's a conflict, and I suspect that were it not for the fact that the minister's office no doubt called him after they talked to the commission and confirmed that what I had said in the House was true, he would still have that application before the commission today. If he is not clear that was inappropriate, then I don't know what conflict of interest is and means to people, but surely it was.

Secondly, he said he had felt that in the entire life of the commission, the commission had made appointments to the exclusion of escarpment property owners. I said earlier in questioning that I checked with the commission staff and was clearly told that over the last 20 years there were fewer than half a dozen, and I could only get three, names of people who were appointed to the commission who lived outside the Niagara Escarpment area.

Perhaps the people who were appointed did not represent Mr Seabrook's point of view and the view of the Grey Association for Democracy and Growth, but to say that property interests have not been represented is just not true; it is not a fact. My checking with the commission with respect to those appointments has confirmed that.

Thirdly, I am appalled, frankly, that in questioning today, Mr Seabrook could not tell this committee whether or not he supported the UNESCO designation. Surely to goodness we are not interested and the Conservatives are not interested in appointing to the Niagara Escarpment Commission an individual who cannot tell this committee whether or not he supports the UNESCO designation. All of you must understand how important the biosphere designation is. It is not appropriate for him to come before this committee today and say he cannot comment one way or the other because he doesn't have enough information.

The fact of the matter is Mr Seabrook has already made a number of comments about the UNESCO designation. They have not been favourable; they have not indicated support. So I was surprised he couldn't give us a comment here one way or the other today.

He said in a public presentation he made in 1995 — and I need to repeat — "We question the legitimacy of the 'biosphere reserve' designation." He said, again as I said earlier, most recently in a CBC interview which was aired on July 19: "I think Canada is obligated to do whatever the UN tells them to do in this biosphere reserve. Agenda 21 also states that there will be human exclusion zones. There's no doubt in the world that much of this area" — the Niagara Escarpment — "will not be populated down the road; that's the intention."

When I asked him if he continued to believe that notion, that the reason for the UNESCO designation was to depopulate the Niagara Escarpment, he said he could

not give me an answer until he had more information from them. I'm sorry, but that is just not acceptable to me. I have to fundamentally believe the members of the commission support the UNESCO designation. For goodness' sake, if they do not, they should not be on this commission. They certainly should, in the presence of the committee here today trying to explain why they want to be on the commission, have a position on that very important issue.

Fourthly, Mr Seabrook said today in questioning that he did support the plan. He thought the plan should be completed and then it could be turned over to the municipalities. Look, folks, his position on this situation was made very clear in 1995, at the same presentation he made at a conference supported or hosted by the commission.

He said in the recommendations — and we all have it in our packages — "terminate the Niagara Escarpment Commission and the Niagara Escarpment Planning and Development Act." Not "complete the act and then turn it over to the municipalities," not "fiddle with the act a little bit, change the composition of the commission and then turn it over to the municipalities." He was quite clear: Terminate both the commission and the act, period, and I assume then all the protection of the escarpment that goes with that.

I cannot accept that as a committee we would appoint someone to the commission who has as his prime focus the termination of both the commission and the act, because as far as I'm concerned, that means no control over development of the escarpment, a free-for-all for all 37 municipalities and the eight regional and county governments. Surely to goodness, this government is not interested in that. I hope you are not.

That's not all he said. That was in 1995. Again in 1996, in a letter to the editor — this was in the Courier Herald, November 20, 1996 — he said, "It is long past the time to implement the sunset closure and retire the NEC." It said in an interview with the Hamilton Spectator on June 24, 1997, "Seabrook...also confirmed that he has called for the termination of the commission and turning over the planning functions to municipalities." He said that; he repeated that position again, as of July 19, 1997, that he would like to see the commission abolished. Those are his most recent statements.

I was quite concerned by what I heard today, which seemed to be some kind of support for a commission and a plan which he has repeatedly in the past been opposed to. Let's also be clear that the Grey Association for Democracy and Growth, which he is going to leave me a pamphlet on, also has that as its mandate. So this is nothing new in terms of his position.

There's one other point I want to make, and that's with respect to the plan, because I also did not get an answer to this and I think this is important. At the same conference, Mr Seabrook said, "Your continued reference that 'The Niagara Escarpment is a continuous natural environment' must again be challenged!" Again, in this same presentation, he said, "The notion that the escarpment is a con-

tinuous natural environment is inaccurate and is indeed a falsehood."

Folks, the theme that the escarpment is a continuous natural environment comes out of the purpose clause of the Niagara Escarpment act, the same act that Mr Seabrook is obligated to uphold as a potential member of the commission. I repeat what the purpose clause says again: "to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuos natural environment," and to ensure that only such development occurs as is compatible with that natural environment.

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Mr Seabrook calls that a falsehood. That is the purpose that exists in the act. Surely to goodness, in calling the purpose of the act a falsehood he is not fit to assume the role of a commissioner, because he is in no position to tell this committee or to convince anyone on this committee that he is going to uphold either the act or any of the procedures of the commission or the mandate of the commission, which again are to ensure that the act is clearly followed.

I understand the reason why he is here. I know he is a friend of Bill Murdoch's and I don't have any idea how his name was put forward, but I suspect it came from that quarter. That's fine. He has a right to his view; it's a view he has consistently expressed for the last number of years that he has been a member of the Grey association. But in terms of his suitability as a member of the Niagara Escarpment Commission, in terms of his suitability to protect the aims of the commission, the mandate and the operation of the commission and of the act, I have to say that even all of you cannot agree that he is suitable. He is just not, and we cannot support his nomination.

Ms Churley: Following on my colleague's comments, I want to read to you again from the article Mr Seabrook wrote.

"Theme — Environmental Connections:

"The Grey Association for Democracy and Growth wish to take this opportunity to address a few of our many concerns regarding the implementation of the Niagara Escarpment Planning and Development Act. Your continued reference that 'The Niagara Escarpment is a continuous natural environment' must again be challenged! Settlement over 140 years ago of this part of Ontario created a continuous human environment, not a natural one! However, we concede humans are the most natural part of our environment; certainly the most important."

I want to remind members here why the Niagara Escarpment Commission was created in the first place. In the 1960s, there was incredible concern about what was happening with the aggregate extraction industry and overall the defacement of the landscape and environmental pollution. It was during the Frank Miller government in 1985, I believe, and Mr Sterling, who is now the Minister of Environment, was one of the people who was very actively supporting the setting up of this commission. I want to remind the members that governments of all stripes have supported the protection of the Niagara Escarpment in the past for the very reason that the lack of

protection was creating huge environmental problems and defacement of the land.

When I read the quote earlier from this document by Mr Seabrook, I got very concerned, because he is saying — this is my view of what he is saying — that people are the most natural part of our environment. What happened here is because of the people and what people were doing to the natural environment — it's for that very reason that the Conservative government of the day had to bring in a plan for protecting that escarpment.

Now we are faced with the real possibility of going backwards, as we have in many of our other environmental protection laws. I would say to the members today that this is going to be an embarrassment for your government. This man does not support the very basic premises of what the Niagara Escarpment Commission is there to do. The majority of the people of Ontario are very proud of the UNESCO world biosphere reserve designation.

It is going to be an embarrassment to the government to have somebody, whose views I respect — he has a right to his views. To have somebody with the views that have been outlined by himself and by my colleague previous to me is not going to be acceptable to the public, and notwithstanding what the Minister of Natural Resources keeps mouthing, that he supports the commission, this is going to send a very loud and clear message that indeed he doesn't, to allow this kind of appointment to go through.

I would submit to the committee members here today that occasionally appointments are made that are reviewed by this committee, and this is our opportunity as an all-party committee — yes, you have the majority — to take a closer, in-depth look at the profile of the appointees so we can make a decision based on what we heard. What we heard here today, and all the background documentation, which I don't know whether the members from the Conservative Party have, make it very clear that this is a totally inappropriate appointment, an embarrassing appointment for this government.

I say in closing that you will not hear the end of this if you go ahead with this appointment today. It is going to be an embarrassment for the minister and for your government, and I can guarantee you that the public at large are going to support the opposition viewpoint on this. There are be differences in opinion. We certainly had our controversies when we were in government over some decisions made by the commission. We had our appeals to our cabinet. There are differences of opinion and there will continue to be, even within the commission itself. But in the past, under all three stripes of government, we have had diversity but we have had a group of people whose bottom line consistently has been to support the principles of the Niagara Escarpment Commission. That is what we are breaking precedent with here today. This is new under any government of any party and it's a very dangerous road to tread.

I would ask the members of the committee to reconsider your position. Certainly you don't all have to vote together. There may be some in the committee who don't support this appointment. I would ask that you consider, for the protection of the escarpment, that this appointment not be concurred in today.

Mr Agostino: We will not be supporting the appointment. I'm surprised the government did not take the opportunity that was offered to them at the beginning to withdraw this appointment. Today we have had a number of people come forward. The opposition has supported some of the recommendations and some of the appointments the government has brought forward. However, by going along with this appointment today, let me suggest to the government members, you're making a mockery out of this appointment process.

I think our job is to look at each appointment based on its merits and then make a decision based on what contribution this individual will bring to the body you are appointing them to. In reference to a previous appointee, Mr Staff, Mr Baird said the gentleman supports the aims and objectives of the Niagara Escarpment Commission. I can accept that as an argument for an appointment. We may not agree with some of the direction, but certainly I can accept that as an argument.

In good conscience, government members cannot believe that Mr Seabrook supports the aims and objectives of the Niagara Escarpment Commission. How do you appoint someone to a body that is there primarily, I believe, to protect the Niagara Escarpment when this individual feels this body should not exist, that you should wipe it out, that you should eliminate it?

It is an absolute nightmare appointment. It is one that is going to come back to haunt you. Let me quote what the gentleman said in an article by Greg Crone that ran in the Spectator. It says, "I am a conservationist, but when you get into these preservation schemes, and that includes the escarpment" — this is what he is being appointed to — "I don't fully support the preservation idea." These are Mr Seabrook's words.

Many of us feared the worst when the Niagara Escarpment was taken out of the protection of the Ministry of Environment and brought over to the Ministry of Natural Resources. This appointment will only give credence to those fears. Disappointment will only substantiate what the opposition has said, that the reason you moved the Niagara Escarpment Commission out of environment to natural resources is to allow more development and to simply declare open season on the Niagara Escarpment. You are sending that message out loud and clear with this appointment.

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From time to time bad appointments and bad recommendations come forward. This is one of them. You have an opportunity and a responsibility, I say to the government members, to very clearly look at this and realize it is not in the best interests of the Niagara Escarpment, unless what your minister is saying in the House and what the member is telling us is untrue. I believe Mr Hodgson's words when he says there is still concern about preservation, but I can tell you that with this appointment, you are basically destroying the credibility of your minister, you are destroying the

credibility of the commission to a great degree and you are destroying the credibility of this committee to objectively look at appointments.

This is an absolute nightmare. If this is the type of tone and example we're going to set, we might as well put up a For Sale sign on the Niagara Escarpment, because that's what you're saying to the public: "It is up for sale; it is open season. It is up for development. Do what the hell you want, because protection is no longer a priority."

Can someone on the government side of the House, if you get an opportunity, answer this question: Explain to me why you believe it is in the best interests of the Niagara Escarpment Commission and the Niagara Escarpment to appoint someone to the commission who believes very clearly that the commission should be eliminated. Can someone explain to me how that fits into the aims and objectives of the Niagara Escarpment? Can someone explain to me how that works to the best interests of protecting this wonderful natural resource? How do you protect it by putting someone on there who says: "I don't believe it should exist. I believe we have too many regulations. I believe there's too much control. I do not believe in conservation of the escarpment"? Those are his words.

It is absolutely bizarre that you would actually consider this. Leading up to this, we were basing our opinion on what we had read, his own comments and what he had said. The comments of the gentleman at the end of the table today should leave absolutely no doubt in anybody's mind about the inappropriateness of this appointment. He may be a nice man, have a great family, be very involved in his community; that is not what we're judging here today. We are judging the appropriateness of this individual to sit on this commission.

I would ask the government members to respond to some of those questions and give us some sense of security on how this appointment will serve the interests of the Niagara Escarpment Commission, how it will serve to protect the escarpment and how you can appoint someone who believes that the body you appoint him to should be wiped out. It is not there.

It is an absolutely, in my view, disgraceful appointment. It will come back to haunt this government and it will be held up as an example of government incompetence. It will be held up as an example of the government's hidden agenda to open up the Niagara Escarpment totally to development. I don't think that is something you or your minister is going to want to wear.

Mr Garry J. Guzzo (Ottawa-Rideau): I first want to acknowledge that I missed part of the submission, and while I've read it, I think that should be noted. I don't wish to deal with the entire issue. I want to limit my comments to one specific aspect of the argument that has been made. That is with regard to the issue of conflict of interest.

This person does not have a conflict of interest, period. I can't for the life of me understand why it would be raised at this particular time. I have difficulty with why this argument seems to be raised as often as it is, when

there is no conflict. There is a potential for conflict. There's a potential for conflict for every person we appoint, particularly those who live within the confines of the boundaries — every person. We heard today that approximately 70% of the people who have been appointed by all governments live within the boundaries. I don't know whether that is appropriate, whether it is too high or too low. I certainly think, when we make appointments to any of these boards or commissions, that we're forever looking for people who have a vested interest and have some relationship with what is being done.

I hesitate to suggest, and I don't, that it's a cheap shot, because good arguments have been made by the member for Sudbury East. If they are accurate, they bear a considerable amount of weight. I find it very frustrating to be sitting here and seeing people come forward and have that kind of thing laid upon them. There is a format; there is a procedure in place to handle conflicts as they arise, as they well might arise, with this person or anyone else. That's the end of the story. As long as the individuals comply with those rules, they shouldn't have this type of thing hung on them.

One of the reasons we have difficulty in having people come forward to serve in these capacities is this very type of situation. We have a situation right now in Ottawa-Carleton where a respected member of the New Democratic Party has just stepped down and been replaced on the Hydro board. What an opportune time to take cheap shots at someone who has served, a former leader of the New Democratic Party.

Ms Martel: What are you talking about, Garry?

Mr Guzzo: Let me finish and you'll understand. The truth of the matter is that it would be very unfair. There were many people around Hydro who would tell you that Mr Cassidy made a very substantial contribution in his five years on that particular board. But who cares today, with the publicity surrounding Hydro? Nobody would even worry about the fact that he had made a valuable contribution. It's just apropos and timely. That is causing the government and all governments in this province considerable difficulty in attracting people to serve in the functions with which we deal here on a weekly basis. I find it very frustrating to sit here week after week and have that thrown in the faces of the individuals who come forward.

Mr Baird: I noted with great interest Mr Agostino's statement, "I believe Mr Hodgson's words when he says he wants to preserve the escarpment." I certainly appreciate that. I think the minister has been extremely clear: The Niagara Escarpment Commission will continue to oversee the planning decisions in the escarpment area. The Niagara Escarpment act will remain on the books. That is a clear and specific commitment on his part.

The Legislative Assembly has dealt with this issue twice in private members' hour. One of the first resolutions brought forward was by Mr Bradley, who was here earlier. I don't know whether it was unanimous, but I believe it passed with overwhelming support. I certainly

got up at the recorded vote and voted in favour of it, after looking into the issue of preserving the escarpment and familiarizing myself with it. So the words of the minister have been backed up with a recorded vote in the House.

Mr Skarica brought forward a resolution with respect to a particular issue in support of the escarpment. Again I think it was virtually unanimous on the recorded vote, where members had to get up and be counted and their names went on the record supporting the commission, supporting its mandate and in that case raising a particular concern.

To try to point to the bogeyman in the closet on this issue is a bit of a sidecar to the main issue. The government, the minister, caucus and the Legislative Assembly itself have been incredibly clear on their support for the commission. I don't think the minister and the government could be any clearer.

Mr Gravelle: I'd like to make some general comments, one of which Mr Baird dealt with, which is that the minister has publicly stated that he supports the aims and objectives very strongly. I appreciate that. This of course begs the question: Then why would he allow a name to come forward or put a name forward of someone who clearly does not support the aims and objectives?

One of my colleagues — I can't recall which one — earlier talked about a weakening of the system. I'm a regular member of the government agencies committee. Not all the members here are. I've been watching the process as well, and it struck me when the remark was made that it's really quite true. The fact is that you slowly but surely weaken the system. It's kind of an insidious process.

You put forward people. The minister on the one hand—the rhetoric is there—says, "This is what we stand for," yet you watch various government agencies become weak and become populated by members who are less and less committed to them, who are clearly changing the whole drift of what's happening. That process strikes me as happening right now with Mr Seabrook. No doubt he's a very fine individual, but clearly he does not support the aims and objectives of the commission, yet clearly the minister says he does.

To me it is a process whereby we watch the weakening of a process and down the line you can see the composition of the board changing. It is something we should all worry about, because if we and the members opposite truly believe it is important to put forward members with a variety of points of view but with a belief in the aims and objectives, I think there would be some great concerns about appointing this gentleman, particularly as he appears in many ways to be opposed to what the minister is saying publicly.

I've watched it with other agencies as well, other commissions, because I sit here on a regular basis and it very much concerns me. I've expressed that concern before and I think it's being highlighted again today.

Obviously, I will be supporting my colleague on this side of the desk in opposing Mr Seabrook. I really hope the government members would recognize that in some

ways they're speaking out of both sides of their mouths on this issue.

Ms Churley: I want to touch briefly on another subject that has to do with this appointment. A few of the appointees talked about the fact that there was a need for better customer service at the commission. I just want to point out how important this comment was in view of the cuts the government forced on the commission. There were 16 of 38 staff laid off.

Because of that, I'm giving another reason why it is so important that the board members not only be competent — I have no doubt that the appointee we're talking about here would be — but that the board is not continually all tied up in knots arguing about whether or not it supports the very premise, the very basic values of the commission.

The appointees said they wanted to get on with it and provide better customer service. It's very hard to do, given the budget cuts. I would add that, to my colleague from Port Arthur. I believe it was I who laid out the weaknesses we're starting to see, the cracks in the system here and I believe the demise of the Niagara Escarpment. I believe the budget cuts, and now having board members where we're going to have a lot of internal strife — you've got people on the commission who don't even believe in the very basic values of the commission.

That is something else to consider. We need an efficient board, we need a board that understands, but we also need a commission that has the very basic support of what the commission is all about. We're not even going to have that any more.

I would ask the members from the Tory caucus again if they want to put their money where their mouth is. We had Mr Baird saying the caucus members support it, the government supports it, the minister supports it. I'm afraid what you're doing today by supporting this particular appointment belies that and I would ask you to reconsider. We need accountability here to the people of Ontario for the preservation of the Niagara Escarpment and we're fast losing it.

Ms Martel: Mr Chair, I'll be very brief. I just want to add one point with respect to Mr Hodgson's comment on this appointment. On the CBC interview that aired on July 19, Minister Hodgson said that Mr Seabrook was appointed to give the commission board some balance. I'm sorry, but everything I have read with respect to Mr Seabrook — which is information that was given to all members of the committee — and everything I heard him state today don't give me any comfort here at all that what the minister is looking for is to provide a balance.

We have an individual who clearly, by views that have been presented on a number of occasions and a number of forums and were reinforced here today, does not support the commission, does not support the act which was set out to protect the commission, does not support in any way, shape or form, as far as I can see, the UNESCO designation and, for the purposes of this committee, is not an individual who should be sitting at the Niagara commission.

I regret that the minister himself was not smart enough to recognize how inappropriate this appointment was. The minister very quietly could have withdrawn this nomination and that's what he should have done.

We have an individual who does not support the commission, who is not suitable to sit. I hope the government members recognize that, as they are given their order here today to appoint this person, they have someone here who is entirely inappropriate to do the job that he is being asked to do.

Mrs Lillian Ross (Hamilton West): Mr Chairman, I ask for unanimous consent to defer the decision on this appointee for one week.

Ms Churley: I was just going to ask that myself.

The Acting Chair: Do we have unanimous consent to defer the decision on the appointee? Unanimous consent? All in favour? Okay. Therefore, we will defer the vote on this appointee.

Any further business? I declare the committee adjourned.

The committee adjourned at 1215.





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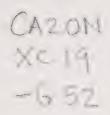
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Official Report of Debates (Hansard)

Wednesday 27 August 1997

Journal des débats (Hansard)

Mercredi 27 août 1997

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



Chair: Floyd Laughren Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 27 August 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 27 août 1997

The committee met at 1003 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): The standing committee will come to order. The first order of business is dealing with the subcommittee report of a week ago, Thursday, August 21, in which no selections were made by any of the three parties.

I believe there's still one, if I could use the term, hangover from a previous subcommittee report which I think was Mr Welch, the clerk tells me. That may mean that next week we'll deal with one appointment.

Mr John R. Baird (Nepean): Was there any success in setting it up?

Clerk of the Committee (Mr Doug Arnott): I believe so

The Chair: We'll leave that until we get it figured out. All right, shall we move directly to the intended appointments? Sorry, we need a motion to adopt that subcommittee report.

Mr Baird: So moved.

The Chair: It's been moved. All those in favour? Opposed? It's carried. Thank you for that.

At the end of interviews of the intended appointees, we'll deal with the two concurrences from today and the one that was deferred from last week. Let's proceed.

INTENDED APPOINTMENTS

JOHN BELYEA

Review of intended appointment, selected by third party: John Belyea, intended appointee as member, Ontario Educational Communications Authority (TVOntario).

The Chair: The first intended appointment is Mr John Belyea, for the Ontario Educational Communications Authority. If you would take a seat at the table. It's traditional that you be allowed, if you so wish, to make an opening statement and then each party has up to 10 minutes to ask you questions. Welcome to the committee.

Mr John Belyea: Thank you, Mr Chairman. I will take advantage of the few minutes I have to make a few brief remarks about myself. My name is John Belyea. I'm a resident of Toronto. I've lived in the city since 1984. I'm

married, have been so for seven years, and have a wonderful 21-month-old son.

I'm presently vice-president and partner of Creighton and Co, which is a Mississauga-based property and casualty insurance brokerage. We're a small business with just 17 employees, and typical of small business, I wear many hats there. I'm the general manager, I'm the CFO, I'm the human resource manager and so on. I've been with Creighton and Co for almost four years now. Prior to joining Creighton and Co, I worked with an investment merchant bank organization here in Toronto for close to four years and it too specialized in the property and casualty insurance sector.

In terms of my education, I attended Queen's University and graduated there in 1984 with an honours BA, with a major in history. Between 1987 and 1989, I attended York University on a full-time basis and earned an MBA.

I've always felt very strongly about volunteerism and giving something back to the community, because we all benefit to a significant extent from the communities we work and live in. Part of my involvement in the past has been with the Big Brothers organization. Unfortunately, I have not been able to spend as much time with that organization in recent years, primarily due to business and the pressures of raising a young family. But I still regularly see the boys I was matched up with during my involvement.

A lot of my energy now, at least on the volunteer side, is being spent, if you want to use that word, as a member of the board of trustees of the Toronto Grace Hospital. I joined the hospital board late last year and presently serve as chair of the finance committee of the board and also sit on several subcommittees of the board of trustees.

I'm honoured to have my name put forward for consideration to serve on the board of directors of TVO. TVO probably is one of the better-known government agencies in the province, and it's an agency I've become more familiar with over the years, or very recently, with my young son and certainly as a parent.

In terms of my qualifications, I think there's a lot I can and will bring to the board. Specifically, I've had considerable experience working in organizations both for profit and not for profit that are undergoing considerable change and transition, and it's fair to say that TVOntario may be in a similar position itself.

I'm a very open-minded individual, and I also think I can bring to the board some skills, expertise in communi-

cation, marketing and of course finance. I can certainly say to the members of the committee here that I will serve on that board, if approved, with integrity, with honesty, and will certainly give my best to serve the board and the agency well.

That's really all I have to say. I look forward to answering any questions you may have.

The Chair: Thank you, Mr Belyea. We can start with the government members. Any questions?

Mr Baird: We would defer at this time to our colleagues in the official opposition.

Mr Michael Gravelle (Port Arthur): Thank you very much. Good morning, Mr Belyea.

It's certainly an interesting time in terms of what is happening at TVOntario. Obviously there has been or is going to be, potentially, a great number of changes. The first question I want to ask is — you addressed it in some regard — did you seek out the appointment yourself or did someone seek you out, so to speak, for the position?

Mr Belyea: I did not directly apply for the position. It was my understanding that the appointments secretariat was doing a search for vacancies on a board. I was contacted by them several months ago and was asked if I'd be interested, and of course seeking my qualifications as well. Then a month or so ago — I don't remember the exact time — they said it was going to go before cabinet if I was still interested. I said yes and it went through cabinet.

Mr Gravelle: You made reference to your son, and congratulations in terms of your becoming more aware of TVO, obviously through some of the children's programming that is a large proportion of the programming on TVOntario, which begs the question: I think it's important to find out what your sense or your opinion or your feeling is about TVOntario and the role it plays in the province. How do you view TVOntario? It's been part of the provincial scheme officially since I guess 1970. What is your belief in terms of the role TVO plays? How important is that role?

Mr Belyea: TVO plays a significant role in providing educational and particularly children's television, which I do see directly, and it has been serving that role now for I guess 27 years. So it certainly plays a role in terms of delivering those types of services to people across the province.

1010

Mr Gravelle: Would you describe yourself as a supporter, then, of TVO, in terms of the role it plays? You probably know the direction I'm moving in here, but would you describe yourself as a supporter who believes that public support of TVO is —

Mr Belyea: There's certainly great value in the programming services it provides to its viewers and to the people of Ontario. I think I know where you're bringing the question, and it comes down to how that service can be delivered. I know the government wants to look at all its available options. At the end of the day, TVO always filled that unique role of providing educational and children's-type programming. It does play an important role in

delivering those services, and there are other services on television and elsewhere that provide similar programming as well, perhaps in a slightly different way.

Mr Gravelle: Are you familiar with the entire mandate of TVO in terms of the curriculum programming, the credit courses it provides for high school, for university? Are you familiar with that?

Mr Belyea: I'm somewhat familiar. I'm still relatively new to this whole process, obviously.

Mr Gravelle: There's probably a fair proportion of the population that is not aware of those either, because they aren't necessarily as public in terms of the role they play. I think that's very important; it's obviously important for you to be aware of that and have some sense of that as well.

As you know, I think it was June 26 that the privatization minister and the Minister of Culture made the announcement that TVO was being put under a privatization review. Would you be comfortable giving us your opinion in terms of how you feel about that process?

Mr Belyea: I think the government made it pretty clear – they weren't the government at the time – in their platform in the 1995 election that they were going to review a number of government agencies, TVO being one of them. I guess this process has now just begun. It was only recently, as you said, that TVO was named as one of those organizations to be reviewed.

My understanding of that process is that the government would like to bring out as many options as possible. They haven't committed to going one way or another, and that's the position I come from, which is a very openminded approach. There are many options available, from the status quo to complete divestiture. Whatever option is chosen, and certainly through this process, the board has got to take into account the various stakeholders, which include the government, but also the viewers, as part of that process.

Mr Gravelle: As you know, TVO itself, the board, in fact, has put forward a proposal for a not-for-profit model as one of the options that they hope to be taken seriously. Have you had an opportunity or a chance to look at that proposal? Have you been briefed on that proposal? Would you as a member of the board support that proposal put forward by TVO themselves?

Mr Belyea: I've only seen what has appeared in the public domain. I'm not sure that full document is available yet. I expect that if my appointment is approved, I will then become privy to the full proposal. But I am somewhat familiar with what the board has put forward as the not-for-profit proposal and to a certain extent a lessening of dependence on government funding. It's my understanding that the government has also said they will seriously consider that as one of the options, so I guess that fits into what I said earlier, that it becomes one of the options. Do I support it? I'm really not totally, 100% sure of what is in it yet, so I can't really stake out a yes or no on that question. But certainly it has come from the board and I'm joining that board, and that is what their position is today.

Mr Gravelle: My understanding is that it was a position put forward by the board, and unanimously, so I would think there would be some expectation that you would support it, although I appreciate the fact that you're not there yet and have not seen it. Do you think it's fair to say there probably would be an expectation that you would support that option as one –

Mr Belyea: At this point in time, that serves as the position of the board until it is changed, so until the board decides it wants to change its approach, that is the position of the board and of the organization of TVOntario.

Mr Gravelle: One of the concerns I've expressed and I think the third party has expressed as well is a concern about consultation for this process. We most recently have been given the impression that by the end of September there will be some recommendation. What concerns me about that is that up to this stage there has been absolutely no public consultation. Do you believe there should be public consultation all across the province?

Mr Belyea: Yes, I think that's important as part of the process. For the government to consider its options, it really should be listening to, I use the word "stakeholders," which I suppose is a bit of a cliché, but that's the viewers, that's the government itself, it's the members, it's the people who contribute to it and it's the employees. Certainly there should be input as part of that

Mr Gravelle: It's probably not appropriate for the board to make that push, but that is a concern that is clearly there and perhaps it's our obligation on this side to press the minister on that particular aspect of it. I certainly feel there is a need for a high level of public participation and consultation in this process and I think it needs to be done in all parts of the province, and certainly in the north as well, where TVO plays a very, very important role.

Thank you very much. I think that fulfils mine.

Mr Tony Silipo (Dovercourt): Mr Belyea, good morning. Listening to the exchange between yourself and Mr Gravelle, I still have some trouble understanding where you stand on the privatization issue. I understand that you say that you're open-minded, that you're willing to look at all the options, but surely you must have some bias – I mean that in the most positive of senses – some attitude going into this process. Are you in favour of the privatization of TVO or are you not in favour of privatization?

Mr Belyea: I think it's incumbent upon the government to really look at all the agencies and organizations it has investments in or controls and runs, TVOntario being one of them. TVOntario has been running for 27 years now. It certainly set out with a fairly strong mandate, which it has continued to fulfil. I think it should review its available options, which may include full privatization.

So am I supportive if it's complete privatization, or what's my stand? An option has already been put forward by the board of directors which takes that first and fairly big step away. There may be other viable options available as well, but certainly going on to this board, I'm not totally familiar with all of what those options may be and

I'm prepared to listen frankly and honestly to all of them and make a reasoned and sound decision with my fellow board members.

Mr Silipo: I understand that at the end of the day, we all understand, it's going to be the government that will make the decision, if they haven't already made it, and I understand your wanting to respect that process, but I am interested in your point of view, not the government's point of view. If you had to choose today between the option that has been put forward by the board, which is turning the corporation into a not-for-profit entity along the lines, I gather, of how for example PBS functions in the States, and selling the station to a private company, which would you choose?

Mr Belyea: Frankly, that's a difficult question to answer. I think there are services TVO provides that it's unlikely others may provide. As part of the whole overview process, when you look at the mandate, if the government wants TVO to continue to play a strong role in, for instance, providing curriculum programming through the airways to schools and further education and that's important to the government, then that has to be factored in somehow, and that may not be done with a total, outright privatization and sale to a commercial organization. It may be through the not-for-profit proposal. There are many factors at work here that will go into this decision. Trying to pin it down one way or another, it's difficult knowing exactly, understanding a lot about TVOntario, what the current board has put forward and what the government wants its mandate, as it exists now to -

Mr Silipo: I want to know what you want, I want to know what you think, Mr Belyea, because it's you we're talking about at this point in terms of whether or not we appoint you to this body. So can we just please leave aside what the government's thinking on this is. The board, under Mr Herrndorf's direction, has said very clearly that they don't believe that selling TVOntario to a private commercial operator will continue any of those things you've just said are important to you and are important to many people across the province in terms of the educational programming. In order to keep that and also allow more flexibility, they've come up with a not-for-profit alternative, which is a change from the structure there is now.

Mr Belyea: Absolutely.

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Mr Silipo: There is also, as I'm sure you know, a commitment over the next number of years to reduce the dependency on government funding to I think about 50% by the year 2002. I need to know more clearly from you, is that the direction you would support or is it the other direction, which the government may choose, which is to simply sell TVOntario to a commercial enterprise?

Mr Belyea: I have not personally made any firm, hard decision on how TVO should be played out in terms of outright privatization or the not-for-profit proposal. That is my honest answer to that question. I do not have a firm position on that.

Mr Silipo: Fair enough. I note from your CV, Mr Belyea, that you spent about a year some time ago as a research officer for the PC caucus. Can I take it from that that you continue to have some involvement with the Progressive Conservative Party? Are you a member of the party?

Mr Belyea: Yes.

Mr Silipo: That's fair enough. That's a question I ask all people who appear in front of us, so don't feel singled out by that. Those are all the questions I have. Thank you.

Mr R. Gary Stewart (Peterborough): I'm not going to try and back you into a corner. I believe it's very difficult in your position, where you haven't been selected for the board, to have a definite yes or no on an issue you've been asked about, mainly because I'm a great believer in getting all the information up front, then you make your decision and you make a very wise one.

I assume that with your being in business for some time, you believe in the principle of economic viability, so that's one question I will ask you. I would hope that you can give me a good, direct answer on that one.

Mr Belyea: That certainly is a very important part of the overall process in terms of determining what direction we're going to go in. The government provides significant funding right now, and part of the process is to determine the value the government is getting for that, and to a certain extent any additional commitment the government may have to it and what is required to carry on the mandate in the future. Certainly that has to be part of the review process.

Mr Stewart: I think everybody agrees, whether it be in the public or private sector these days, that review and restructuring are most essential. What worked 20 years ago may not necessarily be working now. I would look for somebody to be on these kind of boards who is openminded and will not make these decisions without getting all the information.

The Chair: Any other questions or comments? Thank you for that.

That completes the process, Mr Belyea. You're free to remain with us in the committee. We'll be voting on your concurrence in about half an hour, but you can stay or leave; it's entirely up to you. Thank you for coming before the committee this morning.

Mr Belyea: Thank you very much.

BRUCE REID

Review of intended appointment, selected by official opposition party: Bruce Reid, intended appointee as member, board of directors, Ontario VL Corp Ltd.

The Chair: The next intended appointment is Mr Bruce Reid, to the Ontario Video Lottery Corp. Mr Reid, we welcome you to the committee. If you have any opening comments, now is the time to make them.

Mr Bruce Reid: I understand that everybody has our backgrounds, so rather than bore you with any reiteration of them, I'd simply be very happy to answer any questions

anybody has regarding either my background or this proposed appointment.

The Chair: Can we start with the official opposition this time?

Mr Gravelle: Mr Chair, I wonder if it would be agreeable to the committee — there is a member of our caucus who wants to be part of this. I'll just give him a call to let him know he's here, if we could defer to the third party. Thanks very much.

The Chair: Okay.

Mr Silipo: Mr Reid, good morning. I'm really, genuinely curious as to what would attract the president and CEO of the Brick Warehouse Corp to take an appointment to this body.

Mr Reid: I retired in January.

Mr Silipo: I'm sorry. Maybe I didn't catch that, because it says 1991 to present.

Mr Reid: Sorry. I'm afraid I haven't seen what you have in front of you.

Mr Silipo: It's your CV. I was looking at your résumé. When we initially had the person who was going to be the chair of this body in front of us, there was some understanding among the committee that the running of the VLTs was going to be done under the Ontario Lottery Corp, and now there's going to be a sub-body of that. I just wanted to be clear about your understanding of the kind of role you'll be playing in terms of both boards.

Mr Reid: I'll be happy to try. I say it that way because my understanding is that while that discussion is still ongoing, there is no formal, finalized document yet outlining the clear roles and responsibilities of the subsidiary company, which in effect the Video Lottery Corp will be, and of the Ontario Lottery Corp. All I can respond to is what I understand from the discussions I have participated in.

What specifically do you want me to address? How it's my impression that the thing is to work?

Mr Silipo: Yes.

Mr Reid: My presumption and interpretation of what I've heard is that it will be in a very conventional subsidiary-parent company relationship. The purpose of the Video Lottery Corp is to focus specifically on the video lottery portion, the setting up of the company and the rollout of whatever is ultimately decided by the government of what the locations of these various casinos will be. The exact role of what authority that board has as opposed to the Ontario Lottery Corp board is still a question that, as I understand it, is not finalized yet.

Mr Silipo: What is it about this particular board that interests you? Is it something you sought out or is it something you expressed an interest in, being part of a board?

Mr Reid: What I've found is that when you retire, if you've been at all active, you immediately have a lot of people saying: "Gee, Reid has nothing to do. We should find him something to do." I was asked by several people if I would be prepared to be involved in some of the things the province was trying to do. I said yes, I would, and eventually got a call from the head of the appointments

committee trying on for size several different issues or potential positions. A couple that they suggested I didn't think I had much to contribute to. My suggestion was that perhaps areas that have something to do with either the general public or systems, and fairly sophisticated systems, which in effect the retail business has become, something along those lines I might be able to make a larger contribution to. Time went by and a month or so later they called and said, "Would you be prepared to consider the Video Lottery Corp?" I said: "At least it fits into the areas that I think I know something about. If that is something I can be helpful on, yes, I'd be happy to."

Mr Silipo: As you know, Mr Reid, the issue of video lotteries continues to be a fairly controversial one.

Mr Reid: It does indeed. I spent most of the last five and a half years in Edmonton and listened to the experience out there, as any individual does; I don't mean that I studied it.

Mr Silipo: I appreciate that the decision to establish video lotteries is not yours, not the board's, it's the government's, but I'd be interested in your attitude, your sense of that tying into the kind of role you'll be playing as a member of the corporation in administering the establishment and overseeing of video lotteries.

Mr Reid: The first thing, as I understand it, that I think is quite encouraging relative to the experience out west is the decision that I gather has been taken by the government — at least certainly according to the newspapers and what I can find out — to roll out the process very slowly and to start in environments in which (1) there is already gambling, and (2) are therefore fairly highly controlled environments.

It seems to me that that is a very sensible learning process to go through as opposed to what we perhaps saw in western Canada, which clearly seems to have got a little out of control.

1030

Mr Silipo: Just picking up on that, what about the whole notion of where video lotteries, as part of perhaps gaming casinos, are placed or not placed? One of my colleagues, for example, the member for Beaches-Woodbine, has been making the point that one of the new gaming casinos is going to be in the Beaches-Woodbine area here in Toronto. The community is quite clearly continuing to say they don't think it's appropriate for it to be there. What kind of a role will the board play, in your understanding, in terms of dealing with those issues around where these things are going to be placed?

Mr Reid: I presume nothing, from what I can understand or even think through as an individual. It appears to me that that is an issue your larger body in the legislation is charged with figuring out. Ours will be one of implementation.

Mr Silipo: One last question, Mr Reid: Are you a member or have you ever been a member of any political party, the Conservative Party or any others, for that matter?

Mr Reid: I have, on a couple of occasions, been a member of a local riding when members I have known were trying to get elected.

Mr Silipo: Of the Conservative Party?

Mr Reid: Yes.

Mr Silipo: Okay. Thank you.

The Chair: Back to the official opposition. Mr Bradley, did you wish to ask some questions?

Mr James J. Bradley (St Catharines): Yes. I wouldn't allow one video lottery terminal in Ontario if I had my way, but I obviously don't have my way. I suspect there are a lot of people, some even on the government benches, who wouldn't look forward with enthusiasm to video lottery terminals.

Some of this may have been covered in another meeting, but do you anticipate that it would be possible to properly police video lottery terminals in bars and restaurants in the province? Should the government follow through with its original intention to put them in bars and restaurants at the behest of the association which represents bars and restaurants?

Mr Reid: I don't really know how you would control them in bars and restaurants because I don't even know what has been proposed in that case. I suggested that I'm encouraged by seeing them in a so-called controlled environment first, because that's where you will find out about and get some insight into the potential of how you will control them and whether it's practical. In a prior life to the Brick Warehouse, I ran W.H. Smith throughout North America and I have gone through the difficult issues of what is pornography and how do you sell it and how do you control it and all those kind of things? It is a very difficult issue. Can it be done effectively, I suspect is your question, and I don't know the answer to that.

Mr Bradley: If you observe bars and restaurants, and a lot of people don't realize — I remember being in an argument with somebody over this on television who didn't realize that kids can go into a tavern nowadays where there are alcoholic beverages served. This person was saying they're not going into restaurants. Well, that would be defined as a restaurant, and most restaurants in Ontario now are licensed, so I have a great concern about that.

What would you recommend for those people who obviously can't handle video lottery terminals, who come out of a home where they may have a spouse and children and blow the paycheque on video lottery terminals because they're so addictive, they're so alluring? How do you stop that from happening except by preventing them from going in the first place?

Mr Reid: I don't know the answer to that. Fortunately, I think you folks are charged with making that decision, not me, and I'm just as glad it's you. I'm not being facetious. I don't know. We, as a society, have real problems with those kinds of things. I've been quite active in sitting on boards for substance abuse: alcohol and so on. It's staggering to me what big problems these are and how unaware any of us are of how they are. I was surprised, reading the articles, that these VLTs are described as the

crack cocaine of gambling. I didn't see anything other than anecdotal evidence of that. I don't know whether it's true or not. I don't know how one finds out.

Mr Bradley: Have you any idea how much the government is going to make? I try to say this in a non-partisan sense because I condemn all governments that bleed people with gambling problems and people who are desperate and people who don't have very much and think this is one way they can get ahead. I don't care what their political stripe is, I condemn them all for it.

Let me put this question to you: Do you think it's worth the social price we pay to install these machines so that governments can get money the easiest possible way, that is, what they would call a voluntary tax, which in many cases is hardly voluntary?

Mr Reid: Do I personally believe that? I personally believe that it's probably very difficult to figure out what the social costs are. What we're all seeing with the tobacco industry is a perfect example of this same thing in another form. It has taken I don't know how many years and people still haven't figured out where the balance is. I'm not sure how you really answer that.

I think that if we're going to have things like this, which we clearly are in our society, whether it be alcohol or tobacco or gambling or what have you, having it in some form of a controlled environment with government involvement has to be, in my opinion, preferable to having it done in some other way. If somebody is determined to gamble, I suspect they will find a way to do it.

Mr Bradley: Do you believe that the increase in opportunity for people to gamble, the easier access to gambling opportunities, will mean that we're going to have more gambling taking place? I recognize that we have some now. I'm not fighting old battles. I'm fighting the future battles.

Mr Reid: I don't know the answer to that. I've read probably the same things you have, not as extensively but in terms of the media. Personally, I find some of the things suggested in the media very hard to understand. The suggestion seems to be in several of these articles that on a per capita basis, the Canadian spending level on VLTs is higher than it is in the United States.

I've spent most of my life as a marketer or something or other and have spent an awful lot of time looking at social trends. I'm not really aware of any social trends where that would be true. Maybe it is true, and I say to myself that if it is true, then what could explain it? Is it really true that Canadians are spending more per capita already than Americans? I'm sceptical now of whether that's because the information is so hard to come by or whether there's such an underground economy in these things as well that no one can measure it, so I don't really know.

Mr Bradley: Almost invariably, when you have significant gambling opportunities presented, organized crime gets involved. It almost always happens. Have you had access to the Ontario Provincial Police report on the influence of organized crime on gambling in Ontario? It's

a certain branch, I think it's called CISO or something like that, in the Ontario Provincial Police.

Mr Reid: No, I have not.

Mr Bradley: Would you want to have access to that to enable you to do your job better, should you be appointed?

Mr Reid: Absolutely. I've asked to see anything and everything. I think you have to be an avid reader and consumer of all this kind of information to try at least to understand even what recommendations you'd like to make.

Mr Bradley: If you get a copy, would you share it with members of this committee? The Solicitor General will not share it with those of us who are the elected representatives of the people of the province. If you were to get it, would you undertake to provide members of this committee with that particular document?

Mr Reid: As long as I didn't get it under a confidentiality agreement, I would so undertake.

Mr Bradley: You know how to answer questions, don't you?

Back to organized crime — I guess I'll go further than that. I asked about the report. How do you believe you can ever keep organized crime out when you've got these huge gambling complexes that we're going to have around the province?

1040

Mr Reid: I really have no idea. If you took my earlier thesis and pushed it forward, I guess the extension of my logic is that the government should be involved in regulating all things, which would include, therefore, some of the other things, drugs or anything else. If there is a lot of money to be made, and if it is often in the form of cash, I'm afraid you're going to have organized crime there in one form or another. I would assume that our collective objective is to try to minimize that involvement and isolate it as much as possible. So now we're discussing, how long is a piece of string?

Mr Bradley: In addition to the government — the "government" generically speaking, in any situation — making money off the misery of others, which I personally consider gambling to be — others have different views, and I respect those — others can make a lot of profit as well from this, and some of them are outside this province.

If we are having these gambling opportunities which are supposedly going to support government activities and supposedly going to support charitable activities, do you believe that any of the rest of the money should be going back to the United States to owners of casinos, for instance, or should that money be required to stay in this country?

Mr Reid: I must confess that I tend to be somewhat of a free trader, as I'm sure you would expect. If you have expertise that you need to buy, whether it be American or British or French or whatever, you just have to face up to that.

The Chair: That's the time limit for the opposition. Thank you, Mr Bradley. We revert now to the government members.

Mr Douglas B. Ford (Etobicoke-Humber): Mr Reid, I'm reading your background, and I have to say one thing on your behalf: The backgrounder you have here is truly a thoroughbred in business.

Mr Reid: Thank you, sir.

Mr Ford: By the looks of your background, you've committed yourself to public service; you've committed yourself to a business background which is very thorough. I haven't seen many backgrounds like this in résumés that have been submitted to this committee.

Mr Reid: In the old days, though, they used to call that a checkered career.

Mr Ford: I, for one, am impressed by the areas you've been in: the University of Western Ontario, the Toronto Symphony Orchestra, Credit Valley Hospital, Builders Supplies, the Victorian Order of Nurses and many of the others. I know what it's like to be on some of these committees; I've been on them. You look like you're very committed to these people. You haven't just had one-year stints in these places, you've had five and 10 years, and that to me is true commitment.

Mr Reid: I like to get involved in what I'm doing.

Mr Ford: I can see that. Not only that, I see that you like to get into situations that are very sticky and very unsure and turn them around. That's a challenge. I think you'd be a great asset to this area you're seeking. I have to say I'm very impressed.

Mr Reid: I like questions like that.

Mr Garry J. Guzzo (Ottawa-Rideau): Thank you for coming today. I'd like to pick up where my friend from St Catharines left off. As often happens with the member for St Catharines, he's very close to the truth but backs away from it when he recognizes it.

Let me ask you this: Would it shock you to learn that the Ontario Provincial Police suggest that there are presently between 18,000 and 22,000 illegal VLTs in restaurants in Ontario today? Did you know that?

Mr Reid: Up until last night, it would have surprised me. Last night a certain young person who I guess goes into — I must confess I haven't done a careful study of bars, so I perhaps don't see some of these things, but I've got four sons who do move around a little bit and I gather that there are a number of these things operating illegally at the current time.

Mr Guzzo: Do you know, sir, who owns those machines?

Mr Reid: No.

Mr Guzzo: In Ottawa-Carleton, where I come from, many of them are concentrated in the ridings of Ottawa Centre and Ottawa East, simply because of the makeup of the city. Mr Grandmaître, a colleague and my friend, represents Ottawa East, where the heaviest concentration is. It's been established that most of those located in the Ottawa area are owned by companies and people in the province of Quebec. In Toronto and the surrounding Niagara area, those machines in restaurants and bars are owned by people from Buffalo, New York. It would seem that the profits from these machines are either going to companies which pay their taxes to Quebec City, to a

government destined on breaking up this country, or to companies or individuals who pay their taxes in the United States. Does that surprise you and does that offend you in any way?

Mr Reid: What offends me is that apparently all these machines are operating illegally. Who owns them, it seems to me, is sort of secondary. I must confess that I've been a great advocate for a lot of things like Sunday shopping when it was unpopular, so we fought some long campaigns, but I believe you fight to change the system from within the system. What offends me is that those machines should be shut down.

Mr Guzzo: Quite apart from where the owners pay taxes if in fact they bother to pay taxes, one then might ask the question, who regulates them? Who determines what the payout is on these machines?

Mr Reid: I'm sure nobody.

Mr Guzzo: In the province of Quebec in the border towns of Hull and Gatineau, immediately adjacent to Ottawa, where they had a similar problem with these machines prior to the Quebec government introducing legal and controlled machines, they had a similar situation. Indeed, it was after the Quebec government installed the legal machines that we saw the influx across the border and into the Ontario bars.

Mr Reid: Is the suggestion that they are at very different payout schedules as well?

Mr Guzzo: They can be regulated to return anywhere from —

Mr Reid: No, I mean the illegal ones certainly aren't regulated.

Mr Guzzo: But they may vary from bar to bar.

Mr Reid: Presumably they do.

Mr Guzzo: I'm sorry. I didn't understand your question.

Mr Reid: To start with, my only point was that they should be shut down totally. They're illegal and they shouldn't be operating, and that should be the first step. But certainly if and when they ever do get into that environment, as I think I responded to the folks over here, my belief is that they must be regulated. Now, to say today how they should be regulated, I don't honestly know the answer to that.

Mr Guzzo: But there's no doubt in your mind that they're going to be regulated. Whether they're in race-tracks, charity gaming halls or wherever, they're going to regulated by the authority of the government through the board we're appointing people to this morning.

Mr Reid: They should be. At the moment, they should figure out how they are removed, I would have thought.

Mr Guzzo: The committee that travelled around the province to study this issue at the time the bill was being proposed, last summer at about this time, visited the riding of Mr Gravelle and Mr Miclash. Indeed, one of the motels we were staying at had one of those illegal machines in the bar.

Mr Gravelle: No, he didn't.

Mr Guzzo: Not in your riding, Mr Gravelle; that's correct.

Mr Reid: The one thing I was very unclear about, and you raised it — can I ask a question?

Mr Guzzo: I'm not here to give information. I can tell you that.

Mr Reid: Mr Chairman, may I ask a question? Mr Guzzo: I'm a lawyer. I don't give it for free.

Mr Reid: Oh, then I'm in trouble.

Mr Guzzo: Yes, you may ask. Go ahead, sir.

Mr Reid: We're both using the word "illegal." Is it clear whether these things are legal or illegal?

Mr Guzzo: It's definitely clear, but we don't enforce it. We haven't cracked down because of the costs and the difficulty involved. The question arises, would anybody play an illegal machine not knowing what type of return they're receiving, when they know and are guaranteed that a controlled government machine, to use the example of Quebec and Alberta, will return 88 cents on the dollar or 92 cents on the dollar? Quebec returns more than Alberta at the moment.

Mr Reid: I don't know the answer to that.

Mr Guzzo: Obviously, some do. We're told it doesn't extinguish the illegal machines completely, but the advice is that in Alberta about 90% or 95% of the illegal machines disappeared when they legalized ones came out. That'll help you sleep better tonight, sir.

The Chair: That completes the time for discussions with Mr Reid. Thank you for coming before the committee. We appreciate it.

We now are prepared to deal with the concurrences. I would propose that we deal with the ones we just interviewed this morning and then go to the one that was deferred from last week.

The first intended appointment is Mr John Belyea.

Mr Baird: I would move concurrence in the appointment of John Belyea to the board of TVOntario.

The Chair: You've heard the motion. Do you wish to speak to it?

Mr Baird: Very briefly, Mr Belyea would obviously bring a terrific amount of experience in the private sector. His educational background, both at the undergraduate level and as someone with a master's in business administration, would certainly bring a good deal of experience and expertise to the board of TVOntario.

I found it interesting to note that he is extremely open to the various proposals to restructure TVOntario, be it the proposal adopted by Mr Herrndorf and the current board or a whole host of other ranges. He's certainly keen to bring some expertise to that debate and to that discussion and be open-minded as they look at various restructuring opportunities at TVOntario. I think we'd be very privileged to have his skill set on the board.

Mr Gravelle: I feel very strongly, as does our caucus, that TVO should remain in some fashion a publicly owned and funded organization. Certainly the model that TVO has is one that really needs to be taken seriously. I had some real concern with Mr Belyea's inability to make it clear what his position was. In fact, it would suggest that there be some concern in terms of the board's position.

I think it makes sense that a member of the board should support the board position that's been put forward. He wasn't able to do that. He seems like a fine individual, but I think it's important that this person who's appointed — it's also important that he was sought out for this position, which makes me somewhat concerned, if not suspicious. There certainly were others whose names were put forward who were rejected. His name was sought out.

It feeds back — again, this is not a personal observation — into our concerns last week about Mr Seabrook. You are frequently seeing, on this committee, appointees coming forward who are in essence set up to change the makeup of the board. It is a weakening of the system that's happening: setting up a number of people who are not supportive of the goals and aims of the particular agency. That concerns me in this case, as it certainly does with Mr Seabrook with the Niagara Escarpment Commission as well.

I shouldn't probably compare Mr Belyea to Mr Seabrook, in that Mr Seabrook is far more blatant and one who clearly should be withdrawn, but Mr Belyea concerns me enough that we will be voting against his appointment.

Mr Silipo: I will not be supporting Mr Belyea's appointment. I just want to put on the record why.

I had the very clear impression in listening to his answers this morning that his position on the question of whether or not TVO should be privatized will be shaped far more by what the government's direction will be than by his own views, unless his views seem to coincide with the government's.

While he certainly showed some understanding of and appreciation for the unique nature of TVO and the fact that through a privatization process a number of the things that TVO does now, particularly in the area of educational programming, would likely be lost because they wouldn't interest a commercial operator, he didn't go to the extent he should have, at least to satisfy me, in saying that he supported TVOntario remaining as a public entity. There was lots of room for him to do that with respect to the present position the board has taken to turn TVOntario into a not-for-profit corporation. His reluctance to support that position leads me to believe that, while he certainly may be genuine in terms of his open-mindedness, his direction will be guided more by what the government wants to do than by what is in the best interests of TVOntario and the public. I can't support putting somebody on the board of TVOntario who would be guided in that way.

The Chair: Any further debate on Mr Belyea's appointment? If not, are you ready for the question? All those in favour of Mr Belyea's appointment, please indicate. All those opposed? The motion is carried, as is his appointment. Thank you for that.

The second appointment is Mr Bruce Reid. Do we have a motion for concurrence in his appointment?

Mr Ford: I move concurrence of the appointment of Mr Bruce Reid as a member of the Ontario VL Corp board of directors.

The Chair: Do you wish to speak to it?

Mr Ford: No.

The Chair: That's fine. Any comments?

Mr Bradley: I thought the answers Mr Reid gave were generally indicative that he is very interested in this field, that he has an open mind; that he has some experience, however, in the past, as he said, being from the province of Alberta, which has gone very big into gambling. I hope he will recall the questions which were directed to him and that he will be very careful to ensure that we don't have an escalation of gambling opportunities in the province, particularly video lottery terminals. He appears to have a good interest in this and some positive things to say, and I'm hopeful he will be successful in reining in the gambling opportunities in the province.

Mr Silipo: I will be supporting Mr Reid's appointment, notwithstanding that we may have different views on the issue of free trade, but I'll leave that aside and suggest that I was pleased by Mr Reid's straightforwardness and his sense of the problem ahead, as well as his sense of the need to move in a fairly cautious way. If this thing is going to come to be, I feel comfortable with Mr Reid being a member of the board.

The Chair: Any further debate? Are you ready for the question?

Mr Baird: I ask for a recorded vote.

The Chair: Sure. All those in favour of Mr Reid's appointment?

Ayes

Baird, Beaubien, Chudleigh, Ford, Gravelle, Guzzo, Martel, Miclash, Preston, Silipo, Stewart, Tascona.

The Chair: That is carried. That disposes of — maybe that's the wrong term. That deals with the two appointments from this morning.

Now we'll deal with the deferred vote on Mr Norman Seabrook, who is to be appointed to the Niagara Escarpment Commission. The debate has been held already. It is my understanding that there was a unanimous agreement that the vote be deferred until today. I appreciate the fact that Mr Miclash took the chair last week, by the way, and dealt with that issue.

1100

Ms Shelley Martel (Sudbury East): On a point of order, Mr Chair: In view of what you've just said, that is, that your understanding is that the debate took place and then there was a move for a deferral which was agreed to by all members –

The Chair: Deferral on the vote.

Ms Martel: Yes. I would ask for unanimous consent of this committee to continue the discussion around the appointment of Mr Seabrook. It is an appointment about which we have some serious views. I would ask for unanimous consent so we can express and place our concerns, particularly the government side.

Mr Baird: Could I speak to that?

The Chair: On this point of order? Sure. The point of order is in order, by the way.

Mr Baird: I've worked with two or three members of the New Democratic Party in terms of ensuring that the committee could consider the appointment of Mr Seabrook, and even went further, to allow an extra week. On a personal level, I think we've gone the extra mile to ensure that there could be a thorough discussion of Mr Seabrook's appointment. It was agreed that we would defer the vote. The debate has concluded.

You could hardly say that we've been anything but extremely fair. On a personal level, I've gone to bat to ensure that we would discuss the appointment at committee. We agreed that there would be no deferments, but we asked in this case for unanimous consent that there be a deferment, which was granted. We've gone the extra mile on this one, allowing the opposition to have an opportunity to discuss the issue and for sober second thought. I would be negative on the question.

The Chair: On the same point of order, Mr Gravelle?

Mr Gravelle: Yes, Chair. In that we haven't yet had the vote on the unanimous consent, I think it would be helpful if Mr Baird or someone from the government side could perhaps explain to us really what has happened in the last week in light of the fact that there were quotes in the paper by various members that concerns expressed by the opposition basically drove the decision to defer the vote, which certainly gave the impression to the public, to the media and to the members here that indeed there was some true consideration being given to the fact that indeed this was a bad appointment and should be withdrawn.

Rather than simply using the situation where we can no longer formally debate it, I think you have a responsibility to tell us why you didn't come to that conclusion. That was the impression that was left when, after you caucused last week, you decided to defer it and some members publicly stated that it was because the opposition basically opened your eyes to some of the concerns and those concerns were reflected in your deferral. I think it would be helpful to the committee and to the public to explain to us why you are now moving forward with this.

Mr Baird: I think that reopens the question that Ms Martel —

The Chair: Order, please. It would be unusual to have a prolonged debate on a request for unanimous consent. I'll listen to a couple, but then we have to deal with it in an appropriate fashion. I saw Ms Martel's hand.

Ms Martel: Further to the point raised by my colleague Mr Gravelle, members will recall that it was one of your own — the member for Hamilton West, who is not here today — who moved the deferral of this vote, which everyone, including you, supported. Certainly it was the view of the opposition members that she did that because the government side wanted some time to go away and think about this appointment — not the opposition; we had made our views very clear. We all took her move to defer and your support of it, and ours, as a sign that you folks would go away and think more about this.

We have not heard yet today what your view is after having thought about it for a week. Our position has not changed. We thought we would come here today and the government side would give us its view, after having had some time to consider this. I would certainly appreciate it if the government side, given that it was one of your own who deferred this, would advise the committee now on what your thoughts are after a week of thinking about this appointment.

Mr Baird: We certainly can advise you by proceeding with the business of the committee.

Mr Bradley: I'd like to ask a question, if I may, of someone on the government side who might know this answer. As a result of a deferral, sometimes cabinet gives further consideration. Is anybody aware —

Mr Baird: On a point of order, Mr Chair: I think we're just engaging in a debate.

The Chair: We're not debating Mr Seabrook's appointment at this point. There was a point of order raised on a request for unanimous consent. We're not listening to arguments about Mr Seabrook or his seaworthiness —

Mr Baird: Then on that point of order by Ms Martel, I would be negative on that.

The Chair: Okay. The request has been made and the request has been denied. That completes the business of concurrences—

Mr Bradley: Am I going to get my question answered or is Mr Baird going to cut me off? You're going to cut me off, aren't you? You're just a lackey for Harris.

Interjections.

The Chair: Order, please.

Mr Baird: Mr Bradley, you regularly show the true quality of your character on a daily basis.

The Chair: Mr Baird, you too are teasing the bears.

Let us deal with the concurrence now.

Interjections: Recorded vote.

The Chair: We need a motion for a concurrence. Oh, it has already been put, I guess. It has already been put and there has been a request for a recorded vote on Mr Seabrook's appointment. Are you ready for the question? All those in favour?

Ayes

Mr Baird, Mr Beaubien, Mr Chudleigh, Mr Ford, Mr Guzzo, Mr Preston, Mr Stewart, Mr Tascona.

Nays

Mr Gravelle, Ms Martel, Mr Miclash, Mr Silipo.

The Chair: That completes the vote. The motion is carried and the appointment is confirmed for Mr Seabrook.

Is there any further business? We'll let the committee know about whether we are able to schedule Mr Welch for next week. We'll let you know as soon as we can. Agreed? Okay.

That concludes the business. We are adjourned.

The committee adjourned at 1106.



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Intended Appointments

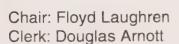
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 10 September 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 10 septembre 1997

The committee met at 1005 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mr Floyd Laughren): The standing committee will come to order.

We have two subcommittee reports to deal with. The first one is dated August 27, in which Carol Fletcher-Dagenais was selected for review.

Mr John R. Baird (Nepean): I move adoption of the subcommittee report dated Wednesday, August 27, 1997.

The Chair: You've heard the motion for adoption. Carried? It's carried. Thank you for that.

The second one is dated Thursday, September 4, in which Dominic Giroux and Edward Takacs were selected for review.

Mr Baird: I move adoption of the subcommittee report dated Thursday, September 4, 1997.

The Chair: You've heard the motion. All in favour? Opposed? Carried. Thank you for that.

INTENDED APPOINTMENTS

ROBERT WELCH

Review of intended appointment, selected by official opposition party: Robert Welch, intended appointee as vice-chair, Ontario VL Corp Ltd board of directors.

The Chair: Members will know that Mr Welch was selected for review way back on June 30. The previous standing orders said that is too long a period for review, so we need to have unanimous agreement by the committee to have this review today despite that. Is there unanimous agreement on that? Good.

Mr Robert S.K. Welch is an intended appointee as vice-chair of the Ontario VL Corp board of directors. Mr Welch is no stranger to this place, as all of you know. He's had a very distinguished career as a parliamentarian and has made a major contribution to public life in this province. If I could be so bold and call you Bob, we welcome you here this morning.

Mr Robert Welch: Thank you, Mr Chairman.

The Chair: Our tradition is that you can make any opening comments you'd like to make, or we can move directly into the questions.

Mr Welch: I have no opening comments.

The Chair: Then we'll start with the official opposition.

Mr James J. Bradley (St Catharines): Thanks very much for the opportunity. Welcome, Mr Welch, to the committee. The description given by the Chair is very accurate. Mr Welch is actually, even though he's of another political party, probably a mentor of mine in terms of politics. He gave me a lot of advice over the years; I had the pleasure of serving with him from 1977 to 1985.

I well recall that you were the minister in charge when the Wintario circumstances arose, when that was implemented by government. It was looked upon then, I recall you saying, as a very minor intervention, a very innocent intervention. Part of the money could go to matching dollars for charities and so on. What would be your view now, Bob, of the proliferation of gambling opportunities, not just here in Ontario but that governments are getting into throughout the country? I even see it throughout North America.

Mr Welch: There certainly has been an evolution in this type of activity. Perhaps the emphasis one would place on this activity at the time of its introduction, that is, the time when the House was asked to consider the establishment of the Ontario Lottery Corp — at that time there was a single \$1 ticket and people were casting that more in the light of entertainment. Also, there was great emphasis at that time with respect to the fact that there were some attempts on the part of the government of the day to identify the proceeds from that particular activity and to reinvest them in the community through sports and fitness, recreation and cultural activities and capital programs. The well-known Wintario grant program was established at that time.

Even in the early days of that corporation it became obvious that people were looking for a little more excitement than just the \$1 ticket. You remember how things evolved with the introduction of other games and the scratch instant games and so on. We have, as you have pointed out, a very interesting development in this whole area now, generating considerable amounts of money. I guess it remains for people to say whether or not it has left the purely entertainment area. Certainly we've gone a long way, as you will understand, from the \$1 Wintario ticket.

Mr Bradley: The proceeds in those days were all kept in Ontario, as I recall. It was Ontario-generated, by and large, and it was kept in Ontario. Do you have a concern,

with such things as the casinos, that a substantial portion of the profit is going outside the country now?

Mr Welch: I'm not familiar with what that would be. I serve, as you know, as a member of the Ontario Lottery Corp. The lottery corporation has nothing to do with the casino operations.

Mr Bradley: I'm thinking of the charity casinos now.

Mr Welch: And we'll have nothing to do with the charity casinos.

Mr Bradley: I guess I'm going to ask you what your opinion is of that.

Mr Welch: Of the charity casinos?

Mr Bradley: Yes, of the potential for profit of operators going outside of the country.

Mr Welch: Are you talking about the new gaming halls that are being proposed?

Mr Bradley: Yes. I don't call them gaming halls — gambling joints.

Mr Welch: Certainly the Ontario Video Lottery Corp Ltd, on which board it has been suggested I might serve, will have to deal with these particular establishments, because the whole operation of the video lottery program will come within the purview of this board. The involvement of the corporation which is the centre of our attention today is really with respect to the establishment of that particular program, the procurement of those machines, the entering into agreements with the gaming halls.

I've read someplace that each of these gaming halls would have a maximum of 150 of these machines, along with gaming tables. Great emphasis is being placed on the proceeds going to charity, because they are being introduced to replace what I guess have been called the roving Monte Carlos, if that's the proper terminology, to bring some discipline in this particular area and to enhance the proceeds that will be going to charities. The figures I have read, and I'm sure you have as well, are that we move from a situation at the moment where there is about \$10 million from these roving Monte Carlos or whatever they're called, and there is some projection that that will now reach about \$180 million in money actually going into the coffers of legitimate Ontario charities.

Mr Bradley: There is a concern that video lottery terminals will eventually be permitted in bars and restaurants. When I say restaurants, of course most restaurants today are licensed establishments so they would be eligible for them. Would you be in favour of the introduction of video lottery terminals into bars and restaurants in the province? That's mindful of the fact that there are some at present that if the police wish to crack down on, they could crack down on and eliminate, but this will be legitimizing them. Would you be in favour, with the sanction of government, of the introduction of video lottery terminals in bars and restaurants in this province?

Mr Welch: Keeping in mind that the shareholder, both of the Ontario Lottery Corp and, through the Ontario Lottery Corp, the new corporation, is the people of the province as represented by the government: the government is the shareholder. That would be a determination that ultimately would have to be made by the shareholder;

in other words, to put it another way, a matter of government policy.

It is my understanding — and was it not in Minister Eves's statement of a year or two ago? — that at the moment the government policy has restricted the introduction of these machines to racetracks and to these charity gaming halls. I sense they wanted to have some experience with respect to the operation of these machines in these locations, which seem to be an environment where there was this type of gaming activity going on, before they came to any conclusion with respect to the expansion into other types of premises.

Along with that, I have read — maybe it was during the time of the Legislature's consideration of Bill 75; I am not sure of the source of this — that if the decision were to be taken for the further expansion of these machines, they would be in controlled situations, definitely restricted with respect to age, carrying with it the added discipline, if one can use that word, that people would be placing their licensing at risk if they didn't follow pretty strict rules.

I return to the fact that it's my understanding that there has been no decision taken with respect to the next phase, pending the outcome of the experience they will have with respect to the racetracks and the gaming halls.

Mr Bradley: With the information you have now, would you say you would oppose the introduction into bars and restaurants, since that would increase opportunity drastically for people to have access to these machines?

Mr Welch: I'm sorry, what was the verb you used?

Mr Bradley: From your answer, may I draw the conclusion that you would be opposed or not opposed to the introduction into bars and restaurants, under restricted circumstances, keeping in mind that that means the access to gambling opportunities increases tremendously?

Mr Welch: No, my answer to that question would be that if it was a policy decision of the shareholder that they so expand, it would be the responsibility of the lottery corporation to make them available under strict conditions as far as the agreement was concerned.

Mr Bruce Crozier (Essex South): Good morning, Mr Welch. You are eminently qualified for this, I believe, and there's no doubt in my mind that you will be confirmed, but I have a great deal of concern about video lottery terminals.

I'm interested in the term "shareholder" that you've used. The word the government likes to use occasionally with the public is "partner." Do you feel that the government, because it is the government, has the right on behalf of the shareholder to act by introducing slot machines to 44 permanent sites in Ontario without consulting the shareholders?

Mr Welch: I think the shareholder has that opportunity by virtue of the amendments that were made many years ago to the Criminal Code.

Mr Crozier: I'm not sure what you mean by that, but I only have less than a minute. I draw from that that the shareholder has the opportunity to respond several years down the road after these slot machines have been introduced around the province.

Mr Welch: I'm a great believer in the fact that there's always an accounting in our system and that, whether we refer to them as "shareholder" or whatever, there's an opportunity for consultation. I call those things that happen every four years very important consultations with the people.

1020

Mr Tony Silipo (Dovercourt): Mr Welch, good morning. I usually ask people who appear before us about their political affiliation, past or present. I don't think I have to do that with you. But let me say, as on other occasions—

Mr Garry J. Guzzo (Ottawa-Rideau): Be consistent. Mr Silipo: I try to be consistent, Mr Guzzo. We can't say that of everyone, but we try our best.

I want to concur with those who believe that if we're going to have this process and this system in place, you're

certainly eminently qualified to be there.

I just have one question, and that is around the issue of the location of the various casinos. As you know, there's some controversy in some areas, in some communities here in Metropolitan Toronto, in the east end in particular, about that. The latest statement from the minister is that a municipality that's identified as a potential host for a mini casino isn't required to accept one. However, in a situation where that happens, the operator who has been selected by the province would have the right to build a facility anywhere within a 40-kilometre distance of that municipality. I'm just curious how you see yourself, through the board, dealing with these kinds of situations, which undoubtedly are going to continue to be present.

Mr Welch: As you would know, that whole procedure was adapted through the Ministry of Consumer and Commercial Relations, under which ministry the Gaming Control Commission operates. It was my understanding, just as you have stated, that they went through a process of inviting proposals and have come to some type of short list, and I think that's been part of the information which has been provided to you. I suppose the most straightforward answer to all of that is that we would be obliged to deal only with those particular establishments that were legally authorized or licensed, and whatever procedure has to be followed to do that, I would assume we would respond in a positive way only if they had the clearance from the Alcohol and Gaming Control Commission.

Mr Silipo: So it's that commission that's going to have the final say about where they're located as opposed to — okay.

Mr Welch: I think that was part of the earlier process. The first process was to locate places throughout the province, and then the next was to invite proposals with respect to the operation in clusters, I think it was.

The Chair: Do the government members have any

questions or comments?

Mr Baird: First, thank you for coming in and for your presence here today. We appreciate your taking the time to come in and for your willingness to serve with the video lottery corporation subsidiary. I wonder if you could tell

us what you've learned, as you've been a member of the lottery corporation board since 1994, I understand.

Mr Welch: Interestingly enough, as you can tell by the lack of hair and the colour of my hair, I can in fact go back even further than that, because I was the minister who brought in the legislation in the mid-1970s for the establishment of the Ontario Lottery Corp. We've learned a great deal with respect to this type of operation, as I responded to the member for St Catharines in that regard.

Coming back on to the board, as you point out, has provided an interesting opportunity to review the developments and the growth. I've been tremendously impressed with the emphasis on matters of integrity and efficiency with respect to the operation of the lottery corporation. I'm quite satisfied that over the years the people of the province have been well served by the corporation.

The Chair: If there are no further questions or comments, Mr Welch, thank you for coming before the committee this morning. On a more personal note, it's good to see you again.

Mr Welch: Thank you very much, Mr Chair. I've been very pleased to see you.

CAROL FLETCHER-DAGENAIS

Review of intended appointment, selected by the official opposition party: Carol Fletcher-Dagenais, intended appointee as full-time member, Board of Parole, eastern region.

The Chair: Ms Fletcher-Dagenais, we welcome you to the committee this morning. Are there any opening comments you'd like to make?

Ms Carol Fletcher-Dagenais: I did prepare some opening comments, if I may. I thank the committee for the opportunity to appear before you. It was last November that I appeared before this committee in consideration for my part-time parole board appointment, and I wanted to just review briefly what I said at that time. To begin with, I have a masters degree in applied criminology, which I received from the University of Ottawa, which followed an honours bachelor of arts in sociology with a legal studies minor from the University of Waterloo.

Before, during and following the completion of my academics, I have continued to pursue roles and occupations that reflect my interest in criminology. I have gained experience in crime prevention from Halton Regional Police Force and the Royal Canadian Mounted Police headquarters in Ottawa. As well, I undertook a masters practicum within the office of the then Solicitor General of Canada, assisting the adviser responsible for CSIS and the RCMP. This experience was invaluable towards the completion of my thesis, which centred on the whole area of Canadian agencies dealing with counterterrorism.

I have volunteered to work with young offenders and had the opportunity to give seminars to the offenders at the federal institute at Collins Bay.

While at the University of Ottawa, I began working on Parliament Hill as a constituency assistant. This led to a position with the then Minister of Immigration, who at the time was overhauling the Immigration Act, an undertaking that I participated in as we defined the various criminality provisions important within such legislation. I was also charged with advising the minister on particular cases, including those with a criminal interest. Decisions were rendered after careful consideration of the Immigration Act and all other relevant factors.

For the past 10 months, while maintaining my own small business, I've been serving as a part-time member of the Ontario Board of Parole. Working in a field that I prepared for during several years of post-graduate study, as well as in the professional roles I have undertaken, has been very rewarding. Should the committee concur, I look forward to continuing and enhancing my function at the board in the near future.

The Chair: We'll begin with the third party.

Mr Silipo: I will start with my traditional question about political affiliation. Are you now or have you been a member of any political party?

Ms Fletcher-Dagenais: Yes, I'm a member of the federal Progressive Conservative Party of Canada, as well as the provincial Progressive Conservative Party.

Mr Silipo: As you've already noted for us, you're moving, if this appointment is approved, and I don't see any reason it wouldn't be, from a part-time to a full-time position on the board. Could you tell us a little bit about your experience? Our notes talk about the comment you made when you appeared here last about how you would balance the two criteria you have to apply. I'd be interested in hearing about your experience as you have gone through whatever number of hearings you've been involved in.

Ms Fletcher-Dagenais: At the very beginning, I had the benefit, before I even started training, of observing the members who have been seasoned there, who had had the experience for a number of years. I learned a great deal from watching them. Everybody has their own style, so the more people you watch in this role — I think you can pick up interviewing techniques, what to ask for, what to centre on and that sort of thing. But each case is different, and I think I learned that when I was dealing with immigration cases, that each case has to be looked at on its own merit.

Every time I do a hearing, I'm learning more. I'm following this very closely in terms of the issues that are coming out. I feel that the experience in the last 10 months will be invaluable towards taking on a full-time position which will also include case review work, as well as deciding on appeals and that sort of thing. I think the fact that I've had this part-time experience in the last 10 months is going to be very important towards this position.

Mr Silipo: It must be a fairly delicate balance to have to try to strike between the two criteria of reintegration into the community and protecting the safety of the community. What kind of factors go into your assessment of that? How much, for example, does credibility of the person appearing before you play? How do you go about gauging the application of that test?

1030

Ms Fletcher-Dagenais: It's a twofold process. Number one, we start with reviewing all the paper we have on the individual. With respect to the circumstances of the offence, we receive the judge's reasons for sentencing, we receive risk assessment tools, sometimes psychological reports. We have an idea of their criminal background and the circumstances surrounding why they're there. We know how long the sentence is. We also have the benefit of speaking to the offender themselves. After all that is brought together, a decision is rendered based on, first, whether they'd benefit from this integration, and also whether we think they would be a manageable risk within the community.

I don't believe I would release somebody whom I considered shouldn't be living in my own neighbourhood or community. I think the people of Ontario would respect that

Mr Silipo: One other question. Looking at the statistics, one conclusion that can be drawn is that the board has been getting tougher with respect to the issue of granting parole. That may be a good thing or a bad thing, I suppose, depending on your perspective.

What I'm interested in hearing from you, though, is how much of that change you would attribute to the tone and the attitude that the current minister has set in terms of trying to project an attitude of getting tougher with crime. Whether or not he's successful, let's leave that aside. I'm not asking you to enter into that political debate. But to what degree has the board been influenced by the kind of attitude and approach that the minister, obviously speaking on behalf of the government, is setting out?

Ms Fletcher-Dagenais: It's a very good question. When I go in to do hearings during the day, I don't go in with the mindset that I'm going to go in with a very tough approach and that I have to live up to that perception that people have. I go in thinking: "This is a case. I'm going to be fair, reasoned and review all the materials available to me and render a decision." My daily work with the board hasn't been skewed by a perception that's been promoted either in the press or at Queen's Park. I go in based on the facts and I make a decision based on the facts.

The Chair: We move to the government members.

Mr Baird: I have no questions. I'm impressed by your background and the knowledge and experience you've gained, not just in your postsecondary education but as a part-time member of the board. I wish you the very best.

Ms Fletcher-Dagenais: Thank you, Mr Baird.

Mr Douglas B. Ford (Etobicoke-Humber): I just want to follow up on Mr Silipo's questioning on the parole board that you were associated with. Has there been a high percentage of cutbacks on parole?

Ms Fletcher-Dagenais: No. I think the change to twomember quorum happened even before I was appointed to the part-time position, so I think budgets have been adjusted that way. Are you saying monetary cutbacks to the parole board?

Mr Ford: I'm talking about monetary cutbacks, facilities for room there for prisoners, different things of that nature. I don't know whether they have accelerated the parole or cut it back. I would like to follow up on what Mr Silipo was saying about, why did they do that or what is going on in that parole system right now as of today? Are there cutbacks? Are they giving less parole or what's going on?

Ms Fletcher-Dagenais: I briefly looked at the projected estimates, and obviously I don't have any direct role in setting these estimates, but I understand that there was going to be a slight increase in money dedicated towards that. I'm not sure whether there's been a great change in the last few months in this area. I've never experienced anything as a parole board member that would constrain me in doing my duties with respect to the budgets that have been allowed to each of the offices.

Mr Ford: Yes, but is it fact that they are cutting back on paroles?

Ms Fletcher-Dagenais: The number of paroles granted?

Mr Ford: Yes.

Ms Fletcher-Dagenais: Yes, the number of parole grants certainly has been reduced.

Mr Ford: Why is that? We are an ongoing system and there are fluctuations in the system and rules and regulations. I'm just curious.

Ms Fletcher-Dagenais: I think a number of factors go into that. Certainly within the institutions feedback has come back that some people think: "Why should I even apply? I've got a short sentence." Parole is a very structured system wherein if you change your address, if you stop attending the work you're supposed to be attending, you can find yourself back in, to the end of your final warrant expiry. If you're released at the end of your eligibility date, you don't have that type of structure and oversight over you, so a lot of the inmates are declining to even go forward for parole because a lot of them don't want that structure over their head.

Mr Ford: I'm just relating that to some states, stateside, that if a prison population gets overcrowded they issue more paroles. I just wonder what the thinking is behind that. If you're a criminal and you create havoc in the community or you commit a crime, do you build more jails or do you find other ways and means? What are we doing? That's all. I'm always curious about that.

Ms Fletcher-Dagenais: I would never entertain release based on a purse budget or anything like that.

Mr Peter L. Preston (Brant-Haldimand): I think the question Doug was asking — if not, it's a question I want to ask — is, are we getting tougher on parole? That's basically it. I don't want to hear that we're not granting paroles because people aren't asking for them. I want to hear what we're doing as far as granting paroles is concerned. Are we tougher on it now than we were two years ago, a year ago?

Ms Fletcher-Dagenais: I made it quite clear when I was here before, when I was asked questions with respect to my view of the criteria — you have that in front of you — that the people who have been appointed to the parole board, including myself, make it quite clear that if

there's any question between deciding on a parole and that there is any element of risk I have a concern about, I will not grant parole.

I can tell you in the last 10 months, I'm not aware of any of the grants that I have signed off that have come back at me. I'm pretty proud of the work I've done and that my colleagues have done in the last number of months, and I think the figures will speak for themselves.

Mr Jean-Marc Lalonde (Prescott and Russell): Thank you for coming down, and welcome to Queen's Park. I believe it's not your first time here.

Ms Fletcher-Dagenais: We're neighbours.

Mr Lalonde: Just about, yes. I was trying to find out what the address was. Anyway, how long have you been a part-time parole board member?

Ms Fletcher-Dagenais: Following my appearance here in November 1996. I think the order in council was signed shortly after that.

Mr Lalonde: You indicate in your CV that you have a small business. Do you intend to continue that business?

Ms Fletcher-Dagenais: I also have two hockey players, and they're very busy at the rinks all the time. I haven't made a decision whether I'm going to continue to — I'm in the Clarence Creek arena a lot, as you know, Mr Lalonde. I'm not sure whether I will be continuing that business or not.

Mr Lalonde: Because this is going to be a full-time job, and you will be asked to travel all over Ontario, I believe.

Ms Fletcher-Dagenais: I'm not certain of my travel commitments, but certainly it is a full-time job, and you'd be on call if they need to get a hold of you with respect to any warrants that have to be issued and that sort of thing. I realize the time commitment.

Mr Lalonde: Yes, because the former member, who was also from our area, was asked to travel all over Ontario. This is why I was asking. If you intend to continue operating your small business, it's going to be pretty tough to get a full-time job.

Ms Fletcher-Dagenais: Yes, I tend to agree with you, so I may be winding that down.

Mr Lalonde: Mr Silipo asked whether you belong to or are affiliated with any political party. You said yes. In what capacity?

Ms Fletcher-Dagenais: As you are aware, Mr Lalonde, I am president of the federal Progressive Conservatives in Glengarry, Prescott, Russell, and I also serve on the executive provincially.

Mr Lalonde: I was not aware.

Mr Guzzo: You had no idea. Trust me, your office would have known that.

Mr Lalonde: We've heard a lot about youth violence, that the Young Offenders Act is not severe enough at the present time. With the fact that you have two young kids, what is your view on the youth violence that we are going through at the present time in small municipalities as much as urban municipalities?

1040

Mr Guzzo: He means outside of hockey. He doesn't like talking about violence in hockey.

Mr Lalonde: There isn't any.

Ms Fletcher-Dagenais: This is of great concern to me, because at the level that I'm serving now, we see the graduates of the youth system on a regular basis. It's so disheartening to see 19-year-old young men in front of me who have spent years in the youth system. I think different approaches should be entertained. I've had the opportunity, as I said, to work with some of the young offenders while I was studying at the University of Waterloo. I think new approaches should be tried to deal with this problem.

Especially in our area, Mr Lalonde, as you know, the youth unemployment rate is quite high. There are a lot of opportunities for these young people to be in trouble. I have expressed my opinions to your colleague Mr Boudria on that fact, with respect to the youth unemployment rate, which is directly linked, I think, to the fact that this is

happening in our area.

Mr Lalonde: As a member, I don't know how far you go when you make recommendations. Do you know if the parole board is in the position to make recommendations to the government so we could have activities to get the kids off the street?

Ms Fletcher-Dagenais: I'm not certain in what capacity the parole board would be involved in reviewing treatment programs. I think there's an entire ministry dedicated to reviewing this. But certainly we've been involved in participating in seminars and dealing with our colleagues in the correctional system to talk about what treatment plans are available and that sort of thing, so we don't work in a vacuum, but I don't know at what level we'd be involved in promoting any sort of youth program when we're at the parole board dealing with adult offenders.

Mr Lalonde: As you probably know, we had two places in our area that were like halfway houses for youth. The government has eliminated all those homes we used to have. I thought these homes were playing very important

roles in putting the kids back on the right road.

Ms Fletcher-Dagenais: I've worked at a halfway home for young offenders, as I referred to earlier. As I said, I'm seeing the graduates who have been inside and outside these halfway homes for youth. I think there's always room to try new approaches. That's my own personal view. As I said before, I think the kids walking the streets of Hawkesbury unable to find work and not in school is a big problem in our area, and I think there should be some attention paid to that at all levels of government.

Mr Lalonde: The kids are more a problem than the adults in our area because of the lack of jobs for the kids.

Ms Fletcher-Dagenais: Absolutely: 25% are unemployed in our area.

Mr Lalonde: Would you support the photo of a person on parole being published, especially in a small area?

Ms Fletcher-Dagenais: I guess this is topical, considering the situation in Toronto recently with the rapist and all this going on. I think the community should be aware. Certainly as a mother I would be very concerned if I knew there was somebody in the area and I wasn't forewarned to take special precautions, if I knew there was somebody in my area I had to be more protective of my children because of. However, it's a very difficult issue, and I realize there are other issues involved with respect to somebody being reintegrated into the community and having a fair shot. There has to be a balance struck and there has to be a line drawn with respect to this situation. I don't think we should have the Journal de Vision publishing parolees in the Rockland area every day, no.

Mr Lalonde: I do believe, because of what happened last year in Bourget — there was a kid on parole who set fire to houses. Nobody knew he was living in that area. Until we caught the young gentleman, nobody knew he was on parole. If the people in the surrounding area had known he was on parole, they would probably have been

able to stop him after the first incident.

Ms Fletcher-Dagenais: I can tell you that local police forces know who is on parole in their communities. There is a system in place where they are alerted.

The Chair: If there are no further questions or comments, that concludes the interview with Ms Fletcher-Dagenais. Thank you very much for coming before the committee.

Is the committee prepared to deal with concurrences?

Mrs Brenda Elliott (Guelph): I move concurrence in the appointment of Robert Welch as vice-chair of the Ontario VL Corp Ltd board of directors.

The Chair: You heard the motion. Does anyone wish to speak to the motion?

Mr Michael Gravelle (Port Arthur): Yes. I certainly want to state on the record that obviously Mr Welch is a man with a remarkable reputation in this province and has contributed a great deal. On behalf of Mr Bradley — Mr Bradley is fairly outspoken about the people he likes and dislikes, as I think we all know — he wanted me to put on the record that indeed Mr Welch is somebody who should be supported in this appointment.

Mr Baird: I think we're very privileged that Mr Welch has agreed to accept the appointment to continue to

serve the people of the province.

The Chair: Are you ready for the question? All those in favour? Opposed? It's carried unanimously. Thank you for that.

Further concurrence?

Mr Ford: I move concurrence in the nomination of Carol Fletcher-Dagenais as a member of the Board of Parole, eastern region.

The Chair: You've heard the motion. Any comments?

Mr Preston: I asked Ms Fletcher-Dagenais about parole grants. We have been very careful about the people who have been put on the parole board. From her answer, I think the parole board is getting a little tougher. Some 60% of paroles were granted under past governments, and today 35% get parole. I think that speaks to people like her, who are going to examine the situation and make sure that only the deserving get paroled.

Mr Silipo: I wasn't going to say anything on this, but given Mr Preston's comments, if I were to use that as the reasoning upon which to make my decision, I would have to oppose this appointment. I don't think it's a question of the government appointing or not appointing people who are getting tougher; it's a question, as the witness before us clearly said, of looking at each case and deciding how best to apply the criteria that are there. It's upon that basis, in listening to Ms Carol Fletcher-Dagenais and hearing about her experience, that I certainly am prepared to support her appointment as a full-time member.

Mr Lalonde: Based on the professional experience that Ms Fletcher-Dagenais has and also the fact that she is a mother of two boys, I think she is fully qualified for the position. I would support that too.

Mr Preston: I have a rebuttal to Mr Silipo. He said exactly what I said, that we're putting on people who are making sure that only the deserving get parole. I think that was my last statement, which agrees 100% with yours.

The Chair: I don't believe what I just heard, but let's get on with the business. The motion has been put. Are you ready for the question?

Mr Baird: Recorded vote.

Aves

Baird, Elliott, Ford, Gravelle, Guzzo, Bert Johnson, Lalonde, Preston, Silipo, Stewart, Tascona.

The Chair: It's carried unanimously.

Any further business? You know we have a meeting next week with two people to appear before the committee.

The clerk is going to hand out a very brief paper which gives the changes to standing order 105; it details the changes that affect this committee only, just in case you want to read it. If there are any questions, we could deal with them next week.

Thank you very much. We are adjourned. *The committee adjourned at 1050.*





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First Session, 36th Parliament

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Standing committee on government agencies

Intended Appointments

Assemblée législative de l'Ontario

Première session, 36e législature

Journal des débats (Hansard)

Mercredi 17 septembre 1997

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 September 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 17 septembre 1997

The committee met at 1006 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): The standing committee will come to order. The first order of business is the subcommittee report of Friday, September 12, which calls for two persons to come before the committee.

Mr John R. Baird (Nepean): I move adoption of the committee report dated September 12.

The Chair: You've heard the motion. Any debate? All in favour? Opposed? It's carried. Thank you for that.

INTENDED APPOINTMENTS

DOMINIC GIROUX

Review of intended appointment, selected by official opposition party: Dominic Giroux, intended appointee as member, Education Quality and Accountability Office.

The Chair: The second order of business is the review of the intended appointment of Mr Dominic Giroux to the Education Quality and Accountability Office. Mr Giroux, if you would take a seat at the table; we welcome you to the committee this morning. We're pleased that you are here. If you wish to make any opening statements, each party at the table has 10 minutes they can utilize. Part of the government's 10 minutes is any comments you would make. If you wish to make any, now is the time to do so.

M. Dominic Giroux : Parfait. Merci beaucoup, Monsieur le Président. Je m'exprime en français, si vous permettez, et je m'excuserai de ma voix. Je me soigne d'une vilaine grippe.

Membres du comité, il me fait plaisir d'être parmi vous ce matin afin de répondre à vos questions relativement à ma nomination proposée au conseil d'administration de l'Office de la qualité et de la responsabilité en éducation.

Permettez-moi de présenter brièvement mon engagement en éducation. J'ai été élu président du Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton en décembre 1996, devenant ainsi le plus jeune président de conseil scolaire au Canada. Conseiller scolaire depuis 1994, j'ai présidé, entre autres, le comité d'éducation, en plus d'être un membre actif de plusieurs autres comités du Conseil, notamment ceux des

ressources humaines et des négociations des conventions collectives. Je suis membre du comité local d'amélioration de l'éducation pour le Conseil scolaire du district nº 66, et je préside le sous-comité de services administratifs.

À titre de conseiller scolaire, j'ai initié des mesures avec l'appui de quelques collègues pour améliorer la qualité et la responsabilité dans les écoles. Voici seulement quelques exemples.

Nous avons cette année des évaluations systémiques du conseil pour certains cours de français et de mathématiques au niveau de la 12^e année et des cours préuniversitaires de l'Ontario. Au printemps dernier, nous avons fait parvenir un sondage sur la satisfaction des parents à tous les parents du conseil. Les résultats ont été compilés et permettront à chacune des écoles d'identifier ses forces et les aspects à améliorer.

À compter de cet automne, chaque école va préparer annuellement un rapport de performance qui inclura un profil de la clientèle, un plan d'amélioration, les résultats académiques des élèves, les résultats du sondage de satisfaction des parents et un aperçu de l'aide additionnelle requise, tant au niveau de l'école que du conseil.

Nous avons une nouvelle politique budgétaire qui fait en sorte que les prévisions budgétaires ne peuvent inclure d'augmentation de taxes et qu'elles doivent allouer une part plus importante au plan pédagogique, être précédées d'une consultation des partenaires en éducation et des membres du personnel, démontrer l'argent investi dans chaque école ou service par rapport à chacune des priorités du conseil, et présenter non seulement une comptabilité financière, mais aussi une comptabilité de gestion par programme et services offerts.

Ces initiatives ont été ou sont en voie d'être mises en oeuvre.

C'est donc dans ce contexte que le mandat de l'OQRE m'intéresse au plus haut point. J'ai suivi attentivement la mise en oeuvre des évaluations provinciales dans nos écoles le printemps dernier. J'ai discuté avec bon nombre d'enseignantes et d'enseignants de troisième année qui ont vécu cette nouvelle expérience. Plusieurs suggestions très intéressantes m'ont été communiqué.

J'ai aussi un intérêt particulier pour l'autre volet du mandat de l'OQRE, soit celui d'élaborer des indicateurs de rendement pour les écoles élémentaires et secondaires et d'accroître la responsabilité des conseils scolaires. En fait, plus d'outils ont été développés dans le passé dans ces domaines tant en Ontario que dans d'autres juridic-

tions. Il s'agit donc là d'un défi intéressant qui laisse beaucoup de place à l'innovation.

À titre de bénévole, j'aimerais pouvoir contribuer aux délibérations du conseil d'administration de l'OQRE en partageant le fruit de mes démarches des trois dernières années au sein d'un conseil scolaire et en continuant à travailler étroitement avec les parents, le personnel des écoles et des conseils scolaires, les élèves et les contribuables.

The Chair: Thank you very much for that. We can move to the government members now. Do you have any questions or comments?

Mr Baird: We'd defer at this time to our colleagues in the official opposition.

Mr Rick Bartolucci (Sudbury): Welcome, Mr Giroux. Thank you for your opening comments. I'll speak English because my French is not nearly as proficient as yours is. I know your English is pretty good, so I look forward to your responses.

Let me say at the outset that I appreciate your dedication to education. I think by and large much of the direction your board has achieved is because of the excellence of trustees who have been elected to the position and the direction you collectively have taken. I might want to start off with just a few general questions that are not directly related to your office but I think play a crucial role in some of the decisions you will be making over the course of the next little while.

Certainly, the reduction of trustees — let me zero in on the regulation that disqualifies a spouse of a teacher from being a trustee. Do you agree that that is a direction that will benefit education, both in the short term and in the long term? Qualify your answer, please.

M. Giroux: Oui, j'ai appuyé cette clause du projet de loi 104 parce que je croyais qu'il y avait des conflits d'intérêts. J'ai moi-même siégé à un comité de négociation de conventions collectives et on se retrouvait dans des situations où parfois des conseillères et conseillers scolaires prenaient des positions de bonne foi à titre des buts, mais souvent il y avait un potentiel que ces personnes-là étaient en conflit par rapport à des membres de leur famille, des membres de leur entourage. Ayant déjà étudié la réglementation fédérale en matière de conflits d'intérêts, on sait bien qu'un potentiel de conflit d'intérêt égale un conflit d'intérêt. Donc, dans ce contexte-là, j'ai appuyé cette disposition du projet de loi 104.

Mr Bartolucci: So you don't think that simply declaring a conflict of interest would have solved the problem you've alluded to in your answer, as it has in the past.

M. Giroux: Non, je ne crois pas, parce qu'on vit également la même situation au niveau du personnel administratif des conseils scolaires. Surtout dans les milieux francophones, où souvent les personnes se rencontrent à la faculté d'éducation des universités, ça cause un problème. Les gens se connaissent beaucoup trop, souvent, et c'est bon d'avoir des gens qui ne sont pas en conflit. Ne seraitce pour une question de crédibilité, je crois que c'est important.

Mr Bartolucci: If we carried that to other departments of municipal and provincial and federal governments, then you would say anyone who has a relative working at any level in municipal government should be excluded from running for municipal office.

M. Giroux: Je ne serais pas prêt à me prononcer làdessus. Tout ce dont je peux témoigner, c'est de mon expérience au niveau scolaire, où je crois que c'est important d'avoir des élus qui ne sont pas en conflit d'intérêt immédiat.

Mr Bartolucci: Do you believe, as a trustee, that a teacher's working conditions are a student's learning conditions?

M. Giroux : Oui. Je crois que tout conseil scolaire a un devoir d'assurer des conditions de travail acceptables pour son personnel et d'assurer un milieu de vie optimal pour les élèves auxquels le conseil a une responsabilité.

Mr Bartolucci: Thanks very much, and I certainly agree with your answer here. There's absolutely no question about that. Let me follow it up a little bit. You know that the government continually says they have two goals in education, and their first goal is one that I think every party and every individual and every pupil and every student and every trustee and everyone in Ontario agrees with. We've been striving for that since the education system began and I think we will be striving for it after this government is replaced by another government, whenever that happens.

The second one, of trying to get improvements to the education system by withdrawing the enormous amount of money that they're suggesting they're going to withdraw, another \$1.3 billion: Do you agree that that is achievable, and if so, how do you ever think they will be able to improve that quality by diminishing the dollars so significantly?

M. Giroux: Personnellement, j'adhère à l'objectif d'éliminer le déficit particulièrement comme jeune Ontarien. Je crois que les réductions de dépenses peuvent se faire. Nous l'avons fait dans notre conseil, et le nôtre en 1996 était le conseil scolaire dont les subventions étaient réduites le plus dans la province, c'est-à-dire de l'ordre de 7,6 %. Malgré cela, nous avons fait un surplus budgétaire, nous avons diminué le ratio d'élève par enseignant et nous avons augmenté des budgets d'école et les fonds alloués à la technologie. Donc, ça peut se faire, mais ça requiert des décisions difficiles dans certains cas.

Mr Bartolucci: That's a great political answer and it speaks well about what you've done in Ottawa, but it doesn't answer really directly the question I asked with regard to the direction of this government.

Mr Garry J. Guzzo (Ottawa-Rideau): The miracle on the Rideau.

Mr Bartolucci: Yes, right. But as a trustee, are you not concerned with regard to the diminishing ability of school boards to offer early childhood education? Are you not concerned, as a trustee, about the diminishing opportunities of school boards across this province to provide effective special education programs? As a trustee, are

you not concerned with the growing student teacher population? As a trustee, are you not concerned about the reduction of per pupil expenditure of square footage that this government is I think musing about now in some of the releases the minister has made? Are you not concerned that all those factors detract from the quality of education you as a trustee have worked so very, very hard to create over your short term, but also from the work that every politician in Ontario has done in the past regarding education? Are you not concerned about some of the cuts that are taking place?

M. Giroux : À quelle question voulez-vous que je réponde ? La dernière dernière ?

Mr Bartolucci: All of them.

M. Giroux : Je vais tenter de donner une réponse globale. Certainement, la première réaction serait de dire qu'on voudrait toujours plus d'argent dans le milieu scolaire, sauf que si on regarde au cours des 10 dernières années, il y a eu plus d'argent et les résultats n'ont pas été comparables à la norme nationale.

Je crois qu'il peut y avoir des réductions de dépenses dans l'enveloppe globale de la province, et les compressions budgétaires peuvent se gérer, mais elles doivent se gérer avec sensibilité au niveau local. Ce que j'aime du nouveau modèle de financement qui est proposé, c'est que ça laisse la flexibilité aux conseils scolaires de déterminer leurs priorités, mais ça va assurer une certaine transparence.

Donc, je crois que ça peut se faire, et comme je vous dis, nous avons eu des compressions budgétaires et ces services n'ont pas été amputés chez nous parce que nous avons planifié avec soin. S'il y a d'autres compressions budgétaires, nous aurons à faire le même exercice : être plus imaginatifs dans nos façons d'opérer et ainsi préserver les programmes.

Mr Bartolucci: Again thank you for your answer, but I'm concerned that you're not addressing — are you in favour, simply yes or no, of this government's reduction to school boards, which have caused junior kindergarten programs to vanish, regardless of local priorities? Are you not concerned that the reduction in funding has caused enormous impacts on children with special needs, on their parents, on their ability

Mr Guzzo: Where?

Mr Bartolucci: All over Ontario. I can cite examples

in Ottawa. I can cite examples in Sudbury. I can cite examples all over this province. I don't think you as a trustee will dispute that. Are you not concerned about these cuts, as a trustee and as a young Ontarian coming

up?

M. Giroux: Comme conseiller scolaire, c'est évident que je suis très préoccupé lorsque je lis dans les journaux que les conseils scolaires réduisent ces services, sauf que dans l'expérience que j'ai vécue depuis trois ans, nous avons augmenté le nombre d'éducateurs pour l'intégration de l'enfance en difficulté. Nous avons maintenu le nombre de classes distinctes. Nous n'avons pas fait ces réductions-là.

Comme expérience personnelle, je ne peux pas vous dire que c'est affreux, parce que je ne l'ai pas vécu. Pourtant, nous sommes un conseil francophone et catholique, et on sait que les francophones catholiques sont doublement pénalisés au niveau du financement. C'est une injustice qui a perduré longtemps dans la province. Alors, personnellement, je ne les ai pas vécus. La maternelle, nous l'avons toujours chez nous, mais nous l'avons à journée alternante. Les parents semblent satisfaits de ce mode de service-là. Donc, je suis très préoccupé de ce qui peut se passer ailleurs en province, mais dans la situation du conseil où j'ai de l'expérience je ne peux pas en témoi-

Mr Bartolucci: But Dominic, to be fair to you and for you to be fair to this committee, you're going to get an appointment that's provincial, and I'm happy that that's happening in your school board. I only wish it was happening in every other school board in Ontario. The sad reality is, I think it's 28 school boards that have cut junior kindergarten; 55 school boards have reduced significantly the amount of special education programming and resources available. You're going on to what I, as a parent first but also as a former schoolteacher, consider to be a very, very important committee. Your expertise is going to be very crucial to the direction taken by this government. Are you not concerned that that many school boards are having to reduce or eliminate programs?

M. Giroux: Ce qui m'intéresserait dans mon mandat à l'OQRE, ce serait une revue des recommandations de la Commission d'amélioration d'éducation. Si vous avez remarqué dans les 31 recommandations, il y en a trois qui s'adressent à l'OQRE, dont une est d'évaluer l'efficacité des programmes de la petite enfance — je prends l'exemple que vous avez soulevé — et d'évaluer la question du nombre d'élèves par classe, et également d'évaluer l'ensemble des changements en éducation. Donc à la lumière de l'expérience que j'ai vécue pour les trois dernières années, je pourrais contribuer à ce niveau-là, dans une perspective provinciale, en développant des indicateurs des rendements.

The Chair: That's the 10 minutes allocated to the official opposition. I take this opportunity to welcome the newly elected member for Ottawa West to the committee. Mr Cullen, welcome.

Mr Bartolucci: Who remains temporarily nameless because he hasn't got a sign with his name on it.

The Chair: Oh, I see. That won't take long. Third party.

Mr Tony Silipo (Dovercourt): Those are things that time will heal, I say to my colleague as I welcome him to the committee.

The Chair: Time heals all wounds, or is that "wounds all heels"?

Mr Silipo: Most wounds, maybe not all.

Monsieur Giroux, bonjour. Je vous remercie d'être ici et aussi pour nous forcer — et je mets ce mot dans le meilleur contexte - un peu à utiliser l'autre langue officielle de notre pays et aussi de la Législature de l'Ontario. Je dois dire qu'en regardant votre curriculum vitae, c'est remarquable. Ça me fait penser aussi à mes premiers jours dans la politique parce que, comme vous j'ai commencé — pas si jeune ; j'ai commencé à 21 ans, vous quelques ans avant ça. Donc, c'était vraiment bien de voir cela.

D'un autre côté, je crois qu'on n'a pas vraiment beaucoup de questions à vous poser. On reconnaît que la position pour laquelle on vous a sélectionné, même dans les deux ou trois ans que vous êtes dans la vie publique, vous avez certainement acquis beaucoup d'expérience qui va être utile pour ça. Je n'ai qu'une question. Peut-être que mon collègue en aura d'autres. Vous savez peut-être que n'importe quelle autre question que je pose aux candidats qui se présentent devant nous, j'aime toujours savoir s'ils sont, et donc si vous l'êtes maintenant, ou si vous l'avez jamais été, membre d'un parti politique dans la province ou dans le pays.

M Giroux : Je suis progressiste-conservateur de l'Ontario.

Mr Silipo: Merci.

Mr Peter Kormos (Welland-Thorold): The qualifications I think are outstanding. This is one of those rare cases of patronage that also has merit attached to it. I wish there were more occasions with this government — we all understand patronage, but here's the rare case where the government is engaging in patronage of a highly qualified person who I think will make an interesting contribution to this particular office. I'm going to support it. I have no question about that.

The Chair: Thank you, Mr Kormos. We now go to the government members.

M. Baird: Merci, Monsieur Giroux, pour votre présentation ici. Notre but comme gouvernement provincial est d'essayer d'améliorer la qualité de l'éducation pour les élèves partout dans la province. Votre conseil à Ottawa-Carleton a travaillé très fort dans ce domaine pendant les dernières années. Je sais bien que votre conseil dépense moins d'argent pour éduquer un élève à Ottawa-Carleton que peut-être le conseil public d'Ottawa. Quelles expériences avez-vous appris dans votre conseil que vous pouvez utiliser comme membre de ce poste, des expériences dans la qualité de l'éducation et des expériences dans le domaine du financement de l'éducation d'un élève?

M. Giroux: Comme j'ai mentionné tout à l'heure dans mon mot d'ouverture, j'ai initié avec des collègues certaines initiatives au niveau de la responsabilité particulièrement dans les écoles, que ce soient les évaluations systémiques à la fin du secondaire, que ce soient des rapports de performance où les directions d'école doivent rendre des comptes à leur communauté, et je l'ai dit d'une façon positive et non pas de la façon péjorative comme on l'entend souvent.

En travaillant avec les gens sur le terrain, dans les écoles, autant les élèves et les parents que le personnel, je crois avoir surtout développé une bonne relation avec eux et une bonne compréhension également de leur réalité, que je pourrais partager avec mes collègues à l'OQRE, qui sont également très compétents. Donc, je pense qu'à ce niveau-là ça devrait m'aider.

M. Baird : Dans votre opinion, est-ce que le projet de loi 104 va aider, va améliorer l'éducation des élèves dans votre conseil et dans votre région de la province ?

M. Giroux: Certainement comme francophones — le projet de loi 104 reconnaît un droit qui nous était acquis depuis longtemps et que la province ne respectait pas. Ça fait 15 ans que l'Ontario est en situation inconstitutionnelle par rapport au jugement de la Cour suprême et à la Charte des droits. Donc certainement ça va améliorer notre sort, parce qu'il a été reconnu que la gestion par et pour les francophones permet une éducation qui répond vraiment aux besoins des jeunes.

Dans le cas particulier de notre région, notre conseil, le Conseil des écoles catholiques d'Ottawa-Carleton — nous allons faire partie d'un nouveau conseil, le district 66. Le territoire va être d'une superficie de 33 000 pieds carrés, alors jusqu'à Deux-Rivières au nord et Trenton au sud, et déjà on est en train d'établir de bonnes relations avec les autres sections de langue française, et voir comment on peut partager les services et puis apprendre de nos expériences particulières autant à Kingston, à Ottawa ou à Renfrew. Donc je pense que, en bout de ligne, les élèves devraient en profiter à ce niveau-là.

Mr Guzzo: Welcome. I want to make it clear to you that you've received two fantastic compliments here this morning. For the Vice-Chair, Mr Silipo, to compare your career to his — I mean that sincerely; he is a very respected member of the House. And for one of the most ferocious cross-examiners of witnesses, as a lawyer, to pass on the opportunity to cross-examine you, that is also a tremendous compliment. Mr Kormos's compliment this morning must be appreciated.

I want to draw from you some information with regard to the board in Ottawa-Carleton, of which you were chair, and the costs related thereto. You continue to provide junior kindergarten, correct?

M. Giroux: Oui.

Mr Guzzo: Your school board doesn't own a golf course, correct?

M. Giroux : Non.

Mr Guzzo: Unlike another school board in Ottawa-Carleton, apparently you don't own a farm.

M. Giroux: Non.

Mr Guzzo: Last year in February, when the conference for trustees was held in the Bahamas, you sent no trustees, correct?

M. Giroux : Oui.

Mr Guzzo: Notwithstanding that other boards sent as many as six, but you have funds available for junior kindergarten and others don't, correct?

M. Giroux: Oui.

Mr Guzzo: Mr Bartolucci, it's strictly a question of priorities. Thank you very much.

The Chair: M. Giroux, thank you. That utilizes the time of the committee. We thank you very much for appearing before us this morning. Merci beaucoup.

1030

EDWARD TAKACS

Review of intended appointment, selected by official opposition party: Edward Takacs, intended appointee as

member, Health Services Appeal Board.

The Chair: The next intended appointment is Mr Edward Takacs to the Health Services Appeal Board. If he would take a seat at the table, we can begin the process. We welcome you to the committee. You have an opportunity to make any opening remarks if you wish.

I'm sorry. Mr Bartolucci.

Mr Bartolucci: Do we have a quorum?

The Chair: I don't know. The clerk will check.

Clerk of the Committee (Mr Douglas Arnott): A quorum is not present, Chair.

Mr Baird: Mr Chair, on the same point, perhaps we could check with the three opposition members who just went out in the hall.

Mr Bartolucci: Perhaps we can check with the rest of the government members who should be here.

The Chair: Order, please. We'll stand down the meeting until there's a quorum.

We have a quorum. Let us proceed, then. Did you wish

to make any opening remarks?

Mr Edward Takacs: Thank you very much; I will. I'm very happy to be in front of the committee this morning. By way of brief background, I have been in the health care industry for 18 years. I've achieved two degrees, one in Philadelphia and one at the University of Toronto, and I've enjoyed different venues in various different capacities in health care.

I've worked in Fredericton, New Brunswick. I've worked in Markham, opening up the new hospital there. I had a very short secondment through to the Ministry of Health. Most recently I am associated with Stevenson Memorial Hospital in Alliston. My role as executive director and administrator at the hospital largely entails board relations, community relations, medical staff, public relations, and of course, on an operational level, to ensure that the hospital operates efficiently and effectively in providing quality services to the catchment area of Alliston and New Tecumseh.

During my 18 years of health care, to say the very least, there have been dramatic changes. We are all very aware of those given the present situation in health care at this time.

On a brief personal note, I am the father of two children. I reside in Alliston. Originally, however, I hail from Brantford, Ontario.

I'm very happy to respond to any questions the audience may have.

The Chair: Thank you for that. We'll start with the

official opposition.

Mr Gerard Kennedy (York South): Mr Takacs, thank you for being here. I'd like to talk to you about the Health Services Appeal Board. You recognize that it's backlogged, that there's a tremendous wait involved for

people. I had an experience lately with someone, for example, from the United States, who went to school in the United States, was injured and had to go for another half-year completely uninsured because the Health Services Appeal Board couldn't hear them in time. Do you have any ideas about how you would address that backlog?

Mr Takacs: Speculatively, one could say that one could perhaps add on additional days. I understand the board meets up to 10 days per month. Could it be en-

hanced, Mr Kennedy?

The other aspect is, I do understand that this board, along with three or four other boards, may collapse together in the interests of efficiency and in the interests of trying to group like denominators together. That may have a positive bearing on the waiting list.

Mr Kennedy: How would expanding the number of days affect your ability to participate and your function as a full-time executive director of the Stevenson Memorial

Hospital?

Mr Takacs: I would have to prioritize my activities here potentially on the board and certainly at the hospital. I understand the averaging is certainly not 10 days but is something less than 10 days.

Mr Kennedy: That would be required of you, your-

self?

Mr Takacs: I understand so, a few days per month.

Mr Kennedy: You are a previous employee of the Ministry of Health, institutional division.

Mr Takacs: Correct.

Mr Kennedy: As a member of the board, you would be expected to be independent and you would be expected to be separate from the ministry in terms of their decisions. Do you think you would find yourself in a position to do that, having been an employee, having seen that side of the ministry and been part of that bureaucracy?

Mr Takacs: In my opinion, no, none whatsoever.

Mr Kennedy: I'm sorry. You would or you would not be able to be independent?

Mr Takacs: I would be able to be independent. My involvement in the Ministry of Health was about 10 months and it was on a front-line consultant level, responding to issues, concerns, operating plans, matters related to hospitals and government. Certainly it was not at a level of an upper echelon in the Ministry of Health; it was very much

at an operational level, Mr Kennedy.

Mr Kennedy: In a related concern, where would you find yourself in terms of coming up against potential conflicts with policies from the Minister of Health? You are a member of a hospital whose riding is represented by the Minister of Health. Would that influence your view? From time to time, for example, in long-term care, there are problems now because regulations and laws haven't been passed. Today, in fact, the appeals court is hearing whether or not they can hear cases of long-term care that have been referred to them. It's a mess coming from the government. It's a political problem that issues from there. Do you think your proximity and your interaction with the Minister of Health will put you in any kind of conflict for that?

Mr Takacs: First, I do not interact with the Minister of Health per se. He happens to be the member of provincial Parliament for Simcoe West and in his role he is there as MPP. I know Mr Wilson as I know the mayor of Alliston, as I know other individuals walking down Main Street. The professional interaction is not one of influence or perceived influence whatsoever.

Mr Kennedy: Can I ask you, then, how the special status of Stevenson Memorial Hospital was obtained? On September 20, 1995, the new Minister of Health, in his capacity as Minister of Health, said that Stevenson Memorial would not close. This was ahead of the time that every other hospital in the province was up for scrutiny, was being looked at, for whether or not they fit some supposedly objective health system, yet there's been a free pass given on the part of the Minister of Health to Stevenson Memorial. I think people everywhere across the province look a bit askance at that and wonder about the connection between the ministry and the hospital. Then of course, unfortunately, this brings into relevancy your presence here today as a potential member of an objective committee. Would you care to comment on that?

Mr Takacs: As best as possible, I can say I'm not aware — I'm aware of the statement, both in the Toronto Star and certainly in our local paper, Mr Kennedy. As far as the legitimacy of the statement, I do not know. I can however offer my comment. I see our hospital being a small, rural hospital subject to the rural and northern health care framework recently announced by the Ministry of Health, along with its associated draft guidelines. We're one of 74 or 75 small hospitals in Ontario and we indeed will be reviewed and evaluated in the context of those two documents. Those two then go into the MOH, then go into HSRC.

1040

Mr Kennedy: But you do recognize that the Minister of Health said publicly — and it's quoted in your local paper, the Herald, not the Toronto Star — that Stevenson Memorial Hospital is in no danger of closing. The minister, at your community meeting, said that there are problems in the health care system but that Stevenson is well positioned geographically and financially to make its position secure. This is far ahead of any framework.

We could get into the efficacy of the rural framework. Do you think it would survive as a B-level or C-level hospital? That's a separate question I'd like you to answer. But right now it seems very clear that the minister, in advance, assured the citizens of Alliston their hospital would be there. That infers a certain amount of political inference on his part, because he was speaking as the Minister of Health.

Mr Takacs: I can best respond to that by saying these were the remarks of the minister, and I would respectfully suggest that you direct those remarks to the minister. These were his remarks. I've tried to honestly respond as to what I feel will be the review and evaluation of Stevenson Memorial Hospital in Alliston and New Tecumseh.

Mr Kennedy: Yes, but the question we're still trying to get at is whether or not that status in Stevenson puts you in a position — and not necessarily you personally — in terms of, will the people be able to see you on the appeals board as independent, knowing you're this chief executive officer of a hospital that is seen to have special treatment? We'll see in terms of the review coming from the commission as to whether that special treatment is borne out. I think that's what you're saying to us, but do you appreciate that this is a perception problem that could affect the way people value your participation?

Mr Takacs: I appreciate your issue. There is perception and there is reality. Historically speaking, at my hospital, whatever we had done, because we are in the minister's riding, we have had to work harder, more diligently, in order to make any proposal for success. I don't believe there would be a perceived influence in my capacity as executive director in the hospital which happens to dovetail in the local MPP's riding. I do not believe so.

Mr Kennedy: Mr Takacs, are you involved in partisan politics at all?

Mr Takacs: No, I am not.

Mr Kennedy: I'd like to ask you about your views about the Health Services Appeal Board in terms of the board itself, whether you feel that the consolidation of other boards — you mentioned the word "efficiency," and your résumé says that you are "supportive of current systemic health care reform." I want to ask you about that generally, but specifically the idea that making boards, in this case covering a lot of fields, bigger is necessarily going to be better, that there are going to be efficiencies there.

We have problems now in terms of people being able to get the answers they need from the health system in a timely fashion. I am, for example, aware of a case that will be heard in the next few days of a woman who's going to lose her home care and be forced into a long-term-care facility. There is no such facility available, and it has taken weeks and weeks to get to the appeal board.

The government is proposing to tack on a whole bunch more responsibilities — and yes, related in the sense that they're in health fields — into the same board. From a layperson's perspective, that looks like more confusion, more adjustment and a longer delay for the people who are involved. How do you separate out the useful reforms from the simplistic just mushing things together in the hope of staking out some short-term savings, and what do you know about the appeal board that would tell you which category that falls into?

Mr Takacs: I'm aware of the function and the mandate and the mission of the appeal board itself. To try to answer your question, which is very broad — how does it interface with the other three or four boards that may come together? — I believe you're asking whether there are any efficiencies. My best answer to that is, before conducting a review and evaluation, the way I personally like to operate, I would like to see what the actual outcomes will be. We have to have a tangible result in order

to reinforce or to prove that whatever we do is for the best for the most. There has to be an objective, evidence-based review of whatever we do. Otherwise we're doing it for the sake of principle as opposed to the sake of best interests and pragmatics.

Mr Kennedy: How long do you think someone should have to wait to be heard by the appeal board, reasonably?

Mr Takacs: I don't know. I would have a better answer should I be appointed to the board. Certainly one year is too long; one week is too short.

The Chair: Sorry, Mr Kennedy. Can you make this your last question?

Mr Kennedy: Yes, I can. Is there anything about the government's current systemic health care reform of which you don't approve?

Mr Takacs: I think there could be a question of pace. What we're doing is very fast and it certainly interfaces in all areas. I must qualify that by saying, however — and I have declared it, as you noted, on my CV — that I am a proponent of the systemic changes in our health care delivery system.

Mr Kennedy: The "current" reform is how it's worded on your résumé.

Mr Takacs: Yes, exactly. I say that because not only for health care, but from a global perspective or from a provincial perspective, this province is incurring something like \$17 billion in debt on an annualized basis. That figure closely dovetails with the total expenditures of the health care budget. Said another way, if we didn't have the provincial debt, we could run a whole parallel system in health care. I'm saying specifically for health care, yes, I agree, but globally, provincially, I think we have some issues that also have to be addressed.

The Chair: Could we move to Mr Silipo.

Mr Silipo: I was interested very much in the exchange between Mr Kennedy and Mr Takacs, particularly the last exchange. It seemed to me that what the witness indicated was that he was supportive of the Liberal position, which was that the government is moving generally in the right direction, just moving too fast. I just want that noted for the record.

Seriously, I think Mr Kennedy asked a lot of very good questions and I listened intently to the answers. I don't have any more that I could add to that.

The Chair: Thank you. Mr Kormos.

Mr Kormos: Once again, here's a nominee who has extensive qualifications. We're going to support his nomination. However, I note that in view of the fact that neither Mr Cullen nor Mr Kennedy is a formal member of the committee — they have every right to be here — should Mr Gravelle, Mr Silipo and I leave to respond to urgent phone calls, what have you, the government will have scuttled the appointments of Mr Takacs and Mr Giroux because they won't have a quorum. I'm being overly generous, I suppose, by warning them of that prospect, but that's just my nature. It's the kind of guy I am.

Mr Baird: Give, give, give. That's all you do.

Mr Kormos: I wouldn't want to see the government caught with its pants down by virtue of there being no

quorum and this committee having to adjourn without having approved these two appointments. I'd like to see the whip of the government caucus there do something about the prospect of a serious quorum problem.

The Chair: Thank you, Mr Kormos. I'm sure the government members appreciate those remarks as much as I do. Are you finished now on the appointment?

Mr Kormos: Yes, I am.

The Chair: Do the government members have any questions or comments?

Mr Baird: Thank you very much for your time and for coming in today. We do appreciate it. Obviously you have a tremendous amount of experience both in terms of direct hospital administration and in terms of working with the Ontario Ministry of Health, which is sort of a unique blend, just in the last three or four years. Can you tell me what you've learned in terms of being an administrator at Stevenson Memorial that you think would assist you in the new role?

Mr Takacs: Certainly the aspect of board relations, developing a good relationship with those around you. In my capacity as administrator, one just does not make a decision based upon pragmatics sometimes but one must have a degree of compassion in their decision-making. When appeals are made to the Health Services Appeal Board, I think one certainly has to be, in their decision-making, very fair, objective, reasonable. They also have to have a degree of compassion and appreciation for the issue at hand.

Mr Baird: Thank you very much.

The Chair: If there are no further questions, thank you very much for coming before the committee. The committee now deals with confirmation of your appointment and Mr Giroux's. You can stay for that if you wish.

Mr Takacs: Thank you very much.

The Chair: Is the committee prepared to entertain the confirmations?

Mr Baird: I move concurrence in the appointment of Dominic Giroux as a member of the Education Quality and Accountability Office.

The Chair: You've heard the motion. Is there any comment on it?

Mr Baird: I would ask for a 20-minute recess.

The Chair: Okay, we'll -

Mr Baird: Just a moment. I'll withdraw that request for a recess.

The Chair: So we don't need it? All right, then, you've heard the motion. All those in favour of the concurrence?

Mr Baird: Could I ask for a recorded vote.

The Chair: Recorded vote.

Ayes

Baird, Bartolucci, Elliot, Bert Johnson, Hastings, Tascona, Silipo.

The Chair: It's unanimous; thank you for that. The next concurrence?

Mr Baird: I move concurrence in the appointment of Edward Takacs as a member of the Health Services Appeal Board.

The Chair: You've heard the motion. Does anyone wish to speak to it? If not, are you ready for the question? All those in favour? All those opposed? It's carried. Thank you for that.

Mr Bartolucci: Mr Chair, just a point. I came back in to vote because I wanted to maintain the quorum, because I didn't want to have the two appointees travel all the way down here and then end the day without some resolution to it. But I might tell the government members that it is clearly their responsibility to maintain quorum. You can pass the buck and say the two opposition members walked out who weren't members of this committee or weren't subbed in, but I want to inform the whip and the government members that, as they know, it is their responsibility to maintain quorum — their responsibility. Had Mr Silipo and I not been here for the vote, there would be no resolution to these two appointees. I think that's wrong. I think that shows disrespect to your Tory appointees.

The Chair: Mr Baird, same point of order?

Mr Baird: I would simply indicate to Mr Bartolucci that it was your party, the Ontario Liberal Party, which requested these appointees come before the committee, as is their right. It was not the New Democratic Party; it was not the government party. They were your selections. You chose to have them come forward. If all of your members on the committee don't want to show up to hear the people you have called, there's a degree of responsibility on that point.

Mr Bartolucci: Mr Chair, let's not mislead anybody around here. It's clearly the government's responsibility to maintain quorum. It is our right to question and have anyone appear before the committee. Clearly it's the government members who must ensure that a quorum is maintained.

The Chair: The point is, there must be a quorum regardless of who makes up that quorum.

All right. End of debate? The committee is adjourned. Thank you.

The committee adjourned at 1054.



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Assemblée législative de l'Ontario

Première session, 36e législature

Official Report of Debates (Hansard)

Wednesday 24 September 1997

Standing committee on government agencies

Intended Appointments

Journal des débats (Hansard)

Mercredi 24 septembre 1997

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 September 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 24 septembre 1997

The committee met at 1007 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): We're ready to begin and the first item of business is the report of the subcommittee dated September 18. Could we have someone move that subcommittee report.

Mr Bert Johnson (Perth): I'll move it.

The Chair: Mr Johnson has moved the subcommittee report which, by the way, means there are no selections for next week, so you can do other unmentionable things next week. All those in favour? Opposed? It's carried. Thank you for that.

INTENDED APPOINTMENTS

PAUL CANNIFF

Review of intended appointment, selected by official opposition party: Paul Canniff, intended appointee as member, Council of the College of Respiratory Therapists of Ontario

The Chair: The second order of business is the review of appointments and the first person is Mr Paul Canniff to the Council of the College of Respiratory Therapists of Ontario. Mr Canniff, good morning. We welcome you to the committee and you have an opportunity now to make a few opening remarks, if you wish, before we begin the questioning.

Mr Paul Canniff: Good morning, gentlemen. It's a pleasure to come from Ottawa to spend some time here at the standing committee to discuss the appointment that's been offered to me and to give you an idea of the background I have and to take any questions that are involved.

First off, I should relate the impression I have of this whole business, and that is why this matters in the question of appointments. I think an essential part of effective responsible government lies in accountability, and more to the point in this issue, we're discussing the notion of public oversight.

With respect to self-governing health professions, it strikes me that there are two facts at play that have to be considered in the notion of appointments.

The first one is quite obvious, and that is the need for an objective analysis by disinterested public parties, because after all, we want to ensure that the public at large who are in effect the consumers of these services from the professions have confidence in the profession. Once people have confidence in a profession that's a branch of government, it promotes I think a solid understanding of it and a general comfort level.

But also I think we have to see that public oversight by the public at large has to be balanced by another factor when it comes to a specific appointment, and that's to balance it with a demonstrable knowledge and understanding of the process as the machinery of government, because while we need objective analysis by people who are removed from the process on a day-to-day basis, clearly when you take members of the public and place them alongside professionals who are engaged in the monitoring of their own profession, it does help to understand how the process itself works.

Those two factors together make sure that the public is confident that they're being served properly by a profession, that their government at large is taking steps to ensure people are managed properly, and so in the end we have a system everybody agrees will work.

My understanding of the situation we have here at the Council of the College of Respiratory Therapists of Ontario is that this is a fairly new development in terms of self-governing health professions. The council of course was created under the Respiratory Therapy Act of 1991 and the profession itself, like others in this area, is regulated under the Regulated Health Professions Act of 1991. In practical terms, this means we have a mechanism that oversees over 1,700 registered respiratory therapists in Ontario.

More specifically, what do these people do? I think we know from notes, but it's helpful to consult on this, that we know that the practice of respiratory therapy involves the provision of oxygen therapy, the monitoring of cardiorespiratory equipment, the assessment and treatment of patients with cardiorespiratory problems and associated disorders, with an aim to maintaining and restoring ventilation. Respiratory therapists of course work hand in hand in many situations with members of the College of Physicians and Surgeons of Ontario.

When we see the need for a council to govern this college, we see there are several aims that have to be satisfied. The college has to set standards for the profession. If indeed it is to be called a profession, it has to have recognizable standards. There's also the promotion of knowledge within the profession, and in this particular case with respiratory therapists, given their subsidiary role within the health treatment process, there has to be concern paid to the relationship they have with physicians and surgeons in a number of defined procedures. There are regulations that define certain acts performed by respiratory therapists that can be done only at the behest of physicians and surgeons.

Given that background, we come to the question of why we need public appointees. We know that under the process there's a combination of regulatory elements within the council. There are eight professional members who are elected by their peers involving various factors, including geographic representation, and there are six public members who are appointed by the Lieutenant Governor in Council, and — this may be the specific point — those people are not to be members of the profession.

We ask what is involved in a public member. I've addressed two key issues I see in public oversight, but I'd like to address several that I think are obvious. There is a need with representatives on a government body to have geographic representation. I'm proud to say I've been a resident for most of my life in the Ottawa-Carleton region, where I've been maintaining a business for several years and where I studied at the undergraduate and post-graduate levels.

Then we look at other factors: knowledge of the community, a commitment to working on behalf of the public and a sense of how the system works. One hates to be immodest in these situations, but I believe, gentlemen, that I do satisfy the requirements.

With respect to working in the community and understanding community organizations, I'm proud to say that I'm a director of the Children's Aid Society of Ottawa-Carleton and just recently took service on its finance and human resources committee. It's been an interesting situation to work towards the public good, to ensure that communities have confidence in situations where children may come into critical situations, where they may come into danger, and I'm proud to be involved in something that is a very important guardian institution within the Ottawa-Carleton area.

With respect to other areas of involvement in the community, I'm proud to say that for two years I've been donating professional services pro bono to the Community Foundation of Ottawa-Carleton, which has the very laudable goal of pooling funds to ensure that various worthy causes in the Ottawa-Carleton region can be funded and that people are willing to put their assets to work on behalf of the community. In this particular instance, I've been assisting them with computer services.

In terms of an understanding of community issues, I'm proud to say that in February 1996, working with the then Deputy Speaker of the House of Commons, David Kilgour, I was proud to be one of the co-organizors of the Canadian Communitarian Forum, which was a national policy forum dedicated to promoting debate on the issues

involving communitarianism, which is an approach to public policy that promotes community empowerment, notions of personal and general responsibility. Our feeling with Mr Kilgour at the time was that these were issues that had to be addressed and pressed for to generate real debate, and I am proud to say it was a very successful conference with over 100 participants.

With respect to my understanding of the processes and machinery of government, I can say that I'm certainly used to the notion of administration. I've gone through the at times arduous task of maintaining my own business. For several years I've maintained a consultancy in Internet development and programming with a roster of corporate and government clients, in addition to the pro bono work I've done.

Before that, I've had a number of areas of experience in terms of public service and in the government relations industry, and I think I can say that I understand the challenges of public policy, but since I'm clearly not a member of the respiratory therapist community or in the health care community, I can bring a disinterested objective view to the situation.

In essence, I think if we're looking at someone who offers representation on a geographic basis, understands the issues that are involved, isn't caught up in them but is still concerned about making sure that people are represented and we bring objective analysis, I'd humbly submit I can cover off in those areas.

In conclusion, I'd say I'm certainly willing to take any questions you have based upon this very specific appointment and I look forward to responding to them.

The Chair: Thank you for that. Mr Preston?

Mr Peter L. Preston (Brant-Haldimand): It took a while for him to start telling us about himself, which is strange here. Usually people start talking about themselves right off the bat. But no, I don't have any questions now.

The Chair: The official opposition? Mr Cullen.

Mr Alex Cullen (Ottawa West): I'd like to thank Mr Canniff for coming down and I say hello to him again. Mr Canniff and I were both members of the children's aid society board of directors until my recent election.

Mr Canniff, you're far too modest in your listing of your accomplishments. You failed to mention your position as president of the Ottawa Centre provincial PC association which I think also shows an indication of public service. I think being involved in politics is not a sin; all of us here are.

I note from your CV as well that you have considerable experience in developing World Wide Web sites. Again I think your CV needs some updating because I believe during the recent by-election in Ottawa West you put together a very impressive Web site for Chris Thompson, the PC candidate in Ottawa West. Am I not correct that you also did that as well?

Mr Canniff: Though some may wonder whether that is germane and appropriate to this forum, I certainly will acknowledge I did do that, sir.

Mr Cullen: Certainly. We are looking for laypeople to provide their expertise to the college and obviously one would not want to miss out on these relevant details.

Just coming back to your own appointment here, I think I speak for us all that we're very impressed by the amount of homework you've done in preparation for this interview, but perhaps I could start with, why are you interested in this appointment?

Mr Canniff: I should say that based, I believe, upon the record of work I've done in the community and my prior experience, I was approached to sit on this council. After weighing it, I felt I certainly do have the time to

dedicate myself to the public office.

I've been very happy, as I said, to serve with the children's aid society board of directors. As to the other work I've done, I don't believe that being a member of a community is strictly a nine-to-five job of going and doing work and paying taxes. When you're a small businessman it's certainly not nine to five. But I felt I had the capability to serve. I believe I have the range of qualifications and background that are necessary for this.

As I've stressed, there are two key elements, I believe: an understanding of how the process works, but above all, acting as a disinterested party in this.

Mr Cullen: Just give me a sample of the kind of workload you expect to encounter, should your appointment be successful today.

Mr Canniff: I will confess that I am waiting to get further understanding of this. I will be sitting as a part-time member, as a public member on this, and one can see there are various duties that will come with that. As with any community-dedicated board, there will be a need to sit on committees that oversee the regulation of the profession, finance and human resources. There will also be appeals under the regulations governing the profession.

I look forward to the experience of sitting on board the council and recognize there's going to be a learning curve, but I certainly don't come into this completely blind because I understand a number of the duties associated with

governing councils.

Mr Cullen: I know you're a busy person. I know you've been able to attend most of the children's aid society board meetings. Will you be able to attend all the college meetings as well?

Mr Canniff: I foresee no problem with that. Being in my own business, one of the few benefits you have is the ability to set your own time based upon the clients' want. This is an important public duty and I'm ready to commit myself to it.

Mr Cullen: The reason I raise it of course is that I believe the college meets here in Toronto and the children's aid society board of course is in our home town. Just looking at the attendance record there, I think you've attended about 60% of the meetings. So I'm just wondering if you foresee any difficulty in fulfilling these obligations.

Mr Canniff: I don't foresee a difficulty, Mr Cullen. I will note that, for example, there are sessions when you've not been able to attend and I would accept that your rea-

sons are entirely legitimate. I know we haven't necessarily crossed paths. But one has to understand there are human factors that are involved. One may be overcommitted or ill, but one thing I do know is that in my commitment to serving on the CAS board and on this council I certainly have no problem making that commitment. I wouldn't engage in this exercise unless I was willing to make a substantive commitment.

Mr Cullen: Those are very reassuring words to hear. Mr Chairman, I'll conclude at that point.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Canniff. I just wonder if I could ask you for some thoughts, in that you're here today, related to the children's aid society.

We all know there are tremendous pressures that are being faced by children's aid societies and some would argue that part of their problem has been the cutback in funds that has taken place in the last couple of years. I would be curious as to your thoughts on that. Obviously you're close to the situation and recognize some of the pressures the children's aid societies are under, so I would be keen to hear your thoughts on how those pressures are being dealt with and whether the cutback in funding support has been a good or a bad thing.

Mr Canniff: With all due respect, Mr Gravelle, given my interest in being an active member of the board, I would certainly be happy to share those views with you, but I think all will acknowledge that given the fact we're dealing with an appointment which relates to a very specific council under a very specific piece of legislation, and that the point of today's exercise is to consider my qualifications for the post, with all due respect, I don't think we'd be serving the public interest by engaging in substantive debate on an issue that lies outside the purview of this committee. I'd be happy on our own time to share my views with you on that.

Quite honestly I don't see how it fits into this today. Perhaps something else is at play in this, but to be honest I think we would be doing everyone a service by focusing on the issue in question.

Mr Gravelle: That's a strange response, Mr Canniff. *Interjections*.

Mr Gravelle: I don't think it was a great response. I don't think it's the least bit inappropriate for me to ask for your thoughts. You're obviously here to show your qualifications in a variety of ways. You acknowledge you have no qualifications in particular for this position regardless, although you feel you will be able to do a good job, and I won't even argue that with you.

1020

I don't think it's inappropriate at all. You're here before a standing committee of the government, and to ask for your thoughts in terms of one of your qualifications, being that you are on the board of a children's aid society, I think is not inappropriate, and I don't think the members here would feel it's inappropriate to get your feelings in that area. Clearly you acknowledge you do have an opinion on it, so I would be interested in hearing it.

Mr Canniff: I think there are two points that have to be reiterated, with all due respect. I think if we look at the record, at no time did I say I've had no visible qualifications for this. I believe I did make it clear that one of the requirements of this position that is noted is to be a disinterested member of the public since a public member cannot be a member of the profession. I have honestly stated I am not a member of the respiratory therapist profession. There are only so many things I can do in my life. We always endeavour to do what we can, but that is something I haven't touched and I won't share that as a failing with anyone. If anything, I think it's a plus being a public member that I bring that view.

Clearly I think we can say, with all due respect, that I have never said I have no qualifications. I think that statement by you does require some amendment.

Mr Gravelle: I apologize for that, Mr Canniff.

Mr Canniff: No, no.

Mr Gravelle: You're right, you didn't say that.

Mr Canniff: These things happen. With respect to the matter of my involvement on the children's aid society, the germane issues here are the notion of being equipped to handle administrative issues, to deal with people in resolving situations and to be an effective representative. I think that has to be clearly delineated from the notion of discussions of policy. As you can appreciate, there are some areas of policy that can't be discussed outside the board because they are entirely internal issues. There are commitments I've had to make as a member of the board, that there are things I cannot raise.

I will say again there are a number of legitimate questions this committee can pose and I'd be happy to answer them, but I will again state that I do not see that reflections upon the policy of the society and how it may relate to the provincial government are germane to this exercise. I'm willing to look at other things, but with all due respect, sir, I just don't see the point and, to be honest, I don't think many other people do today.

Mr Gravelle: In other words, you will not here, in a public forum, give your opinion on your work with the children's aid society.

Mr Cullen: A golden opportunity.

Mr Gravelle: I find this rather astonishing. Obviously you're here as an individual who's applying for a position. You're involved in the children's aid society as one of your qualifications and I obviously applaud that. I think it's wonderful to be involved in that. It is not unusual for us to be asking questions in this regard in terms of people's overall qualifications. I can assure you of that, that it's not unusual to ask these questions.

If you just don't want to respond to it, that's fine, but I'm not asking you to do anything other than to give me your opinion in terms of the situation children's aid societies are now dealing with. There are some great pressures and some things happening that are very important, and obviously all across the province. I don't think it is inappropriate to ask you, as a member of the board. I'm only pressing it because I find your response surprising and

strange and, quite frankly, inappropriate as well. I don't think it's wrong to ask you what your thoughts are.

Mr Canniff: I think the challenge we face today here is finding a question that relates to the germane issues that would satisfy your concerns. Perhaps what you are wondering is if the qualifications I brought to bear as a member of the children's aid society board of directors are relevant to this.

I believe I have answered that because I believe I've demonstrated a knowledge of the processes of a community-based board that relates to a governing council. Clearly, if I wasn't qualified, I wouldn't have been invited to sit on there as a public member. I think we have to make a distinction between the notion of qualifications at an administrative level, being an effective member and then to be honest what are questions of board public policy. I will grant what you have said, that these questions are not unusual; the question then is, are they relevant?

I am prepared to say I've been proud to serve as a director. I'm aware of issues facing the board and I make a point of working with a variety of people who are involved on that board. There are, for example, regional councillors who represent a level of government who are involved. There is a cross-section of people from business, community associations, different other communities within the region of Ottawa-Carleton, who bring their views to bear upon that. I've been asked to do what I can, given someone who has an understanding of public policies, someone who is a small businessman and someone who has demonstrated a commitment to the notion of making communities work better. Through the conference I organized with Deputy Speaker Kilgour, I think that's been demonstrated.

With respect to the issues that are governing the board of directors of the Children's Aid Society of Ottawa-Carleton, I think it's fair to say that at the administrative level the executive director, Mr Gill, speaks on policy from that side, and when the board voices policy in general, it's done under the auspices of the board. Whatever appreciation I have of my own skills, I really don't think it's within my power to make statements that reflect the views of the board as a whole. When it comes to my own specific views, as I said, I'd be happy to discuss them with you at some point if you're talking about questions of public policy.

There's nothing wrong with engaging in a process of debate. If I am wrong in this, Mr Chairman, do let me know, but I believe today the mandate was to discuss my qualifications.

Mr Gravelle: We're just looking for help, Mr Canniff. Here you are in a position —

The Chair: I'd like to move on, Mr Gravelle, sorry. We move on to the New Democrats.

Mr Peter Kormos (Welland-Thorold): First, Chair, I want to indicate that we're going to support the appointment of Mr Canniff.

I want to point out that one of the problems we've had on this committee for a good chunk of time is that when it comes time for the respective caucuses to select or identify people to appear before the committee, all we're given is a name and the nature of the appointment. We're not given, for instance, a résumé or the application by the prospective appointment. I've got to tell you, that might be very helpful in terms of avoiding unnecessary interviews. I've raised this before and I raise it again today in the context of Mr Canniff because his résumé is impressive. Mr Canniff, I feel compelled to protect you and defend you from the vitriol of Mr Cullen.

Interjections.

Mr Kormos: Well, I do.

Mr Tony Silipo (Dovercourt): Let the record show.

Mr Kormos: I'm often drawn into this conciliatory role here at Queen's Park that I —

Interjections.

Mr Kormos: He's right about this. You're not going to have any trouble attending the meetings of the college. The ABC bible indicates they need approximately two days a month. There's a \$150-a-day per diem. What the heck, with only two days a month and a modest per diem, who'd want to miss it, and there are currently no members from the Ottawa area.

But I've got to tell you, and I didn't know from your résumé, that you were involved in Ottawa Centre as a riding president for the Conservative Party, I trust you are, and that you were involved in the Ottawa West campaign. No quarrel with that, but I think you're getting stiffed. You're obviously very qualified. We've had far less qualified people than you who have received far more substantial appointments from this government, and I would raise that with my local Conservative members, how you got shortchanged because you —

Mr Silipo: It's a good point.

Interjections.

Mr Kormos: Mr Canniff is clearly extremely qualified. I have no hesitation saying that. We're going to support his appointment. I think if any of the caucuses had seen the résumé, they might have been disinclined to even request his attendance, but if I were Mr Canniff, I'd be really ticked off because people with far less experience and far less contribution to the party have received far more substantial appointments. Good luck and best wishes with the college. I hope you enjoy it.

Mr Canniff: Honestly, I thank you for that, Mr Kormos, although one thing I have to note is I think it's perhaps unfair to have a fixation upon service to a party. You've noted the Web site work that I did in Ottawa West. I might note that people may have differing views about it, and some perhaps here, but it has been perhaps recognized as an objective view. For example, Mr Bob Chiarelli, the predecessor member in Ottawa West, approached me last week to be the Web master for his campaign for the regional chairman's race in Ottawa-Carleton. If he feels the professional qualifications I show there are helpful and I'm providing a public service by promoting the political process, I'm happy to engage in that. But I think we notice that these appointments are not done in trade for anything; it's a recognition of serving the public in whatever capacity we can.

Mr Kormos: And Mr Chiarelli has shown a remarkable ability — he's not quite chameleon-like, but he turns red, he turns blue. Mr Chiarelli has done very well in the course of his campaign as regional chair. He's defended the government against downloading. He's insisted there won't be any new taxes for Ottawa-Carleton taxpayers. I'm impressed by Mr Chiarelli in that regard.

Mr Preston: Is he campaigning here today? Let's get on with the appointment.

Mr Kormos: Thank you, Mr Canniff. Mr Silipo may want —

Mr Silipo: No, I think it's all been said, Chair. 1030

The Chair: Okay. There are three minutes left for the government members, if they wish.

Mr Bert Johnson: I did want to clear up a point, if I could, and that was that the members of the committee get the résumé.

Mr Silipo: Not at the beginning, though.

Interjections.

Mr Bert Johnson: Oh. Do you want them a month ahead, a week ahead, a year ahead?

Interjections.

Mr Bert Johnson: I understood from Mr Kormos that he didn't have one in front of him.

Mr Preston: The point is, when you make your picks you don't have — can we take the time, Mr Chairman?

The Chair: Yes.

Mr Preston: When you make your picks, you don't have any information other than a name?

Interiections.

Mr Preston: Well, I don't believe that's -

Mr Silipo: There's a short summary, but not very much.

The Chair: And it's only a week before today, roughly, so all the members are asking for is that what we have before us today be before them as a subcommittee the previous week when they make their selections.

Mr David Pond: When the standing order governing this process was first introduced in the fall of 1990, this issue came up. At the time the government representatives on the committee made two points: One is that the paperwork involved in switching to that system would be potentially huge because résumés can be quite lengthy, and the other issue raised at the time was the issue of privacy. Judy Burns here can correct me if I'm wrong, but my understanding is that the résumés you get are distributed to members, and members only. There might be an issue of privacy if this huge flow of paperwork started flowing outwards regardless of whether the committee actually chose the individuals for review. That's just what happened in 1991.

Mr Preston: Well, it surely outweighs any paperwork we have to do. I believe they should have the same information as us. If a person is going for a public appointment, there is no privacy issue.

The Chair: Okay. Mr Johnson has already indicated he's going to take that up, but there are a couple of points of order over here.

Mr Kormos: I understand what Mr Pond is saying. It would be a simple matter to canvass applicants to see whether they're willing to have their résumé released to the committee members in advance. If they don't, people can draw whatever conclusions they want. I'm confident most applicants, if not all of them, would be quite prepared to have their résumé released to committee members if they're being considered for an appointment. So with some sort of acknowledgement or waiver, I don't think it would be difficult. It would deal with the privacy. The paperwork: I understand, but that's the nature of the beast.

Mr Gravelle: Mr Preston, I think, made my point too. If there are public appointments, there shouldn't be an issue of privacy, in the sense that we're not distributing them to anyone other than our caucus members at the most, anyway. In that they are public appointment, I wouldn't think that would be a major issue. We're not prone to pass them around to anybody else, regardless.

The Chair: Can we move on? Mr Canniff, thank you for coming before the committee and providing us with some of your views. We appreciate that.

Mr Canniff: Thank you, Mr Chairman.

Mr Joseph Spina (Brampton North): Just on that issue: When an individual in the private sector applies for a position and submits a CV, what happens is that is privy to all the parties within that company that are going to be interviewing or have some decision-making authority in the hiring of that individual. Therefore, I don't see it's any different here with respect to the committee. That's where I wanted to draw the fine parallel.

The Chair: Thank you for that, and Mr Johnson will make those points, I assume, when he talks to the appointments secretariat.

WINSTON CLARKE

Review of intended appointment, selected by official opposition party: Winston Clarke, intended appointee as member and vice-chair, Social Assistance Review Board.

The Chair: The next intended appointment is Mr Winston Clarke, who has already joined us at the table. Mr Clarke, welcome to the committee. You have an opportunity, if you wish, to make a few opening remarks.

Mr Winston Clarke: I first and foremost would like to thank my Almighty Creator eternally for this wonderful opportunity to be here today, and secondly to say that as an immigrant citizen of this great country, I came from an economically disadvantaged, unequal community in the so-called bowels and bottom of Trenchtown in Kingston, Jamaica. From a very early age my mother instilled in me the simple acronym: Learn all you can before you grow old, 'cause learning is better than silver and gold. Silver and gold will vanish away, but a good education will never decay.

Leaving Jamaica, I went to the United States of America, where I was involved with the Washington DC neighbourhood which they call the Chocolate City, which happens to be the capital of the United States of America. It's surprising to see that the capital of the greatest country

in this world has so many disadvantaged, hopeless, help-less people.

From there I travelled to Oshawa in the riding of Ed Broadbent, and I'll never forget that man because there he tried in many, many ways to help me find a job. No job was to be found in Oshawa. I had to commute to Toronto. There I found a job at Shoppers Drug Mart in 1975. I have been in that neighbourhood from 1975 to this very day. That neighbourhood houses the so-called Jane-Finch corridor. I have had the opportunity to work with people in that particular neighbourhood, like George Mammoliti, that dealt with Bill 142, Lennox Farrell, Stephanie Payne and others, just to name a few.

The most important thing that touches me about this country is opportunity and disadvantages. My family is no newcomer to disadvantages. In the school system, in Downsview school, my wife and I had to make decisions that affected us. We made decisions contrary to the principal of the school because of my eldest child. Now, today, because of the decisions that were made, my son will be graduating from the University of Toronto. Thank you for your listening ears.

The Chair: Thank you, Mr Clarke. We begin with the official opposition, Mr Gravelle.

Mr Gravelle: Good morning, Mr Clarke, and welcome to the committee.

Mr Clarke: Thank you, Michael. Is it all right for me to call you by your first name, honourable —

Mr Gravelle: Michael is great. Mr Clarke, you mentioned Bill 142, I believe, very briefly, which is going to have some dramatic changes in terms of social assistance. The Social Assistance Review Board that you're going on will not be in place, necessarily, very long, as there'll be a new agency called the Social Benefits Tribunal. Do you have any thoughts on the changes in Bill 142 and particularly the changes of how the Social Assistance Review Board now will be, I presume, disbanded and changed into the Social Benefits Tribunal?

Mr Clarke: Mr Gravelle, at this moment I have no thoughts because: no research, no right to speak. I have only just seen things in a briefed manner. I have not done any research or any investigation, so I don't have any thoughts in particular on that matter.

Mr Gravelle: Do you feel there should be an agency in place that allows people an opportunity to appeal decisions that are made at the staff level, people who are applying for social assistance? I know there has been a large number of people who have felt they needed to appeal. The Social Assistance Review Board was put in place for that purpose. I guess the question is, do you feel such an appeal board, or some form of that, is necessary to be fair to those people who are applying for assistance?

Mr Clarke: Mr Gravelle, I was taught from an early age never to go by feeling. Feeling clouds intellect and rational judgement, because feeling is mixed with emotion, so I don't have a feeling on the matter. At the moment there is a mechanism in place which is the Social Assistance Review Board, which deals with things of that nature, sir.

Mr Gravelle: Of course it will be changing. It will not be the same board, I think, in a reasonably short period of time.

Mr Clarke: Mr Gravelle, until that time, I'll just have to take one step at a time, sir.

Mr Gravelle: Do you have any thoughts on workfare, the Ontario Works program?

Mr Clarke: No, sir.

Mr Gravelle: Tell me how this appointment came about. Did you seek it out or was it presented to you as an opportunity?

Mr Clarke: I was recommended, sir.

Mr Gravelle: And you agreed this was a board you would want to sit on.

Mr Clarke: No, not at the initial outset, sir. I told them I needed some more information and I got some information, and then I made a decision upon consultation with my family.

Mr Gravelle: And you agreed to accept the appointment, presuming it goes through the process. What made you decide you wanted to accept the appointment?

Mr Clarke: Again I've got to thank the Almighty that in my work I have the option of pushing dope or pushing hope, and I've worked in the Jane-Finch neighbourhood since 1975, Mr Gravelle, and 62% of my day-to-day operation is helping people. HOPE means help other people everyday; that's what the acronym HOPE stands for to me, sir. It means helping other people everyday. So I see this as a continuation of something to which I have committed myself from the ghettos of Jamaica.

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Mr Gravelle: You're clearly a man who's very dedicated and you really are a bit of a legend too, Mr Clarke.

Mr Clarke: I wouldn't say that, Mr Gravelle.

The Chair: Around here, anyway.
Mr Gravelle: Yes, around here you are.

One of the first things this government did when it came to power a couple of years ago was to cut social assistance benefits by 21.6%. Have you seen the effects of that on people who were on social assistance at the time? That's a pretty substantial cut. It struck me as being a very cruel thing to do as the beginning of a government's new mandate, because that's a lot of money. Can you comment on that? Did you see the effect of those cuts?

Mr Clarke: A very, very good question, and I have to smile because as a pharmacist-owner I don't only see the cut, I'm experiencing the cut, because a pharmacist is a co-planner for \$2. The big fishes eat up the small fishes, and the big companies decide to absorb that \$2, so the small companies also have to go along. However, that cut caused small stores like mine to become more creative and innovative, because reality is reality, and we have to face reality. The previous government dictated: "Hey, this is the situation that we have to follow. There is a pattern which you have to follow. You can't spend more than you're taking in. So it's a matter of being more creative." Definitely the cut is there. It's inevitable.

Mr Gravelle: But you did see circumstances where some people were in a position where they were unable to

get their drugs as a result of the user fee being imposed? Because of course the government did promise not to add on any user fees and one of the early things they did was they put this user fee on drug benefits. Did you see people who were in a very difficult position as a result of that additional user fee?

Mr Clarke: Yes, sir, I see some people in difficulty, but I've never seen anybody who hasn't been able to get their drugs. I've never experienced that.

Mr Silipo: Mr Clarke, good morning. Mr Clarke: Good morning, Mr Silipo.

Mr Silipo: This is a full-time appointment you would be taking on, so the first question I have is, how are you going to mesh that with your current work and business? Because if I understand your résumé, you actually now run your own pharmacy.

Mr Clarke: Yes, sir.

Mr Silipo: So what are you going to do?

Mr Clarke: As I said earlier on in my introduction, I have discussed it with my wife. I'm winding down right now and merging my operation with another pharmacy in the neighbourhood.

Mr Silipo: So you will be able to devote your full time to this appointment?

Mr Clarke: One hundred per cent dedicated to this job, sir.

Mr Silipo: I want to pick up on some of the points Mr Gravelle was making in terms of your taking on this position. You know there has been a fair amount of change in the social assistance system, with much more to come in terms of the legislation that's now in front of the assembly. I need to hear a little bit more from you about the kind of approach that you take into this board and that you would carry on into the new tribunal.

Presumably, if you're appointed to this body, then you would be reappointed to the new body whenever that's established. I appreciate you may not want to talk about the second body as much, but even with the present Social Assistance Review Board, I need to hear more from you about the approach you would be taking in dealing with situations of people who are appealing decisions that have been made, where they have been denied social assistance benefits. Tell me a little bit more about the kind of approach you would take in deciding whether those individuals have been justly treated or unjustly treated.

Mr Clarke: Mr Silipo, I would take on the approach of fairness, sir, helping people in an objective, professional manner, and ensure that equity be the cornerstone of whatever decision I make. One road I would use: fairness, because it's a fact that these people have a problem and they're not satisfied with the decision made prior to coming to the board. That's why they come. So one has to be as objective as possible in doing anything. My number one road would be fairness, sir. That would be my approach.

Mr Silipo: I'm assuming you've looked at some of the information we have as well, Mr Clarke. One of the things that is clear from the statistics is that since the time this current government has taken office, the number of requests for hearings, that is, people appealing decisions,

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has increased. At one level that may not be surprising or unusual, because that's been the trend throughout, but what is interesting is that has happened even while the number of people on social assistance has gone down. I can tell you, as a former minister, I would attribute that to the kinds of major changes that have happened, because if you look back over the statistics during the period of time, you can trace, I think, the big jumps in appeals to periods in time when there have been various changes made in the system.

I guess I want to hear from you about your approach to dealing with this increasing number of people who are having to resort to the Social Assistance Review Board, and then to put that together with what I see happening under the new legislation, which is that the government is moving to deal with that caseload by limiting the rights of appeal that people will have.

Mr Clarke: Mr Silipo, the board facilitates, from the brief amount of knowledge I've received; it does not legislate, sir. The board has no elected officials, sir; it has appointees. Consequently the board has to carry out a mandate or guideline stipulated by the legislative body. We can only facilitate the appeals that are made to the particular board and be as fair as possible in making decisions and taking into consideration that it's human lives you are dealing with, not statistics. I have not studied the statistics, sir. I cannot talk or comment about statistics; I can comment about humanity, humanness, because I sincerely believe there is only one race, the human race. If I'm helping people, I have to help people in an objective manner.

Mr Silipo: I appreciate that, Mr Clarke, because I agree with you that is the approach. I appreciate your comment also that you don't, as a body, as the Social Assistance Review Board, legislate; that's up to the government. But what I also want to know is, within the powers that you have and will have as a member of this board, will you or will you not be influenced by the attitude the government is taking, which is to be tougher on people seeking social assistance, and in this case, closer to the work you'll be doing, to be tougher in the kinds of instances in which people can appeal? Will that in any way influence your decision and your approach to the decision-making you'll have to do?

Mr Clarke: Mr Silipo, I cannot comment on something — I don't know the powers of the board, sir. I have not studied it. I hope that in the training process they say they will initiate, some of those questions will be answered, but right now I'm not in a position to do it, because I don't know the powers of the board.

Mr Silipo: I find that a bit unusual, that you would come — and I appreciate, again, I wouldn't expect you to be a total expert on the board, but you must have some sense of what the board will do and what you as a member will do, otherwise why are you here? I think it is a fair question to put to you.

Mr Clarke: I have a sense, sir, of fairness, which was inculcated in me from an early age; a sense of fairness and a readiness to learn, to look, to listen and to absorb as

much as I can do, and in a professional manner make decisions.

Mr Silipo: Mr Clarke, I appreciate your motto that you've repeated for us a couple of times. You will be called upon to make some difficult decisions in which you'll have to decide at the end of the day, not, "You're half-right and you're half-right," in terms of the two parties in front of you, but, "You're right and you're wrong," and that's the approach you're going to have to take because this is not a mediation service you're being appointed to; this is an adjudication process.

After you go through a period of training, you will be sitting by yourself, determining cases and determining whether people are entitled to interim assistance and whether they're entitled to ongoing assistance. So I appreciate your sense of fairness, being the way that you approach that. I guess I wish I would hear a bit more from you about what that means at the end of the day.

Mr Clarke: When that time comes I will deal with it just the same way I dealt with being an intern pharmacist. After that training program, I became a pharmacist. All by myself I had to read a prescription, different sheet first and foremost, whether this prescription is a legitimate prescription although it has a so-called signature of a doctor—so no research, no right to speak. That's the approach I'll take, the same professional approach I took in my profession. When I became a pharmacist, I was a young pharmacist. Today I am an experienced pharmacist. I am hoping that kind of experience which I've acquired thus far will lend itself to this board in an objective manner.

Mr Silipo: All right; Mr Clarke. I wish you well. There's just one other point. Members of the committee know I usually ask people who appear in front of us about their political affiliation. You've been kind enough to put that right in your résumé, which I appreciate, the fact that you're a member of the Conservative Party and active within the Conservative Party. That's fine. I just wanted that there for the record as well. Thank you.

Mr Clarke: You're welcome, Mr Silipo.

The Chair: There's three minutes left for the official opposition but we'll go to the government members first.

Mr R. Gary Stewart (Peterborough): Thank you, Mr Clark, for attending. There are a couple of questions I'd like to ask you, but first I would like to compliment you. You've come a long way since the days in Kingston, Jamaica, sir, and I compliment you on that when I look at the education you've received, or got on your own, and certainly the professionalism you've done within your own profession I think is tremendous.

A couple of things I would like to ask you: First of all, these days ability to pay comes into being in a lot of areas, whether it be in social services or whatever. Give me some of your thoughts and feelings on ability to pay. I guess I'm talking more whether it be on social assistance for municipalities, on family support, on a lot of areas—it's something that has been a forgotten factor for many years. It appears to me it certainly has been suggested that it be considered in many ways.

Mr Clarke: It's interesting you should ask such a question because when I was working at Shoppers Drug Mart there was a man who said he had no money, but every three weeks he was in Las Vegas at the casinos, but yet, still, he was on social security. He said he had no money. So I don't know how he did it. However, HOPE could be an acronym for hardship, oppression, poverty and exploitation, and these four things are endemic and entrenched in our society. On the ability to pay, one has to be careful with the label. We have to look deeper under that. I strongly feel, and this is Winston Clarke, that we have to take an objective approach to things and take some things for face value, then research them. After the research, then we come to conclusions. Don't come to preconceived conclusions.

When I was working at Shoppers Drug Mart, many times customers came in the store and thought I was the janitor. Are you the pharmacist? Can you be the pharmacist? Are you really the pharmacist? That didn't get me upset. What I did was professionally re-educate that person. So the ability to pay goes without question. To much is given, much is expected; if you got the dough, spend it.

Mr Stewart: That leads me into my second question. When I look at some of the statistics we have, and certainly Mr Silipo made a comment on it, the increase in hearings has gone up substantially over the last number of years. But one of the big areas and the big times was from 1993 to 1994; they went up over 4,000 hearings. Over the last three years it has gone up approximately 3,000. I guess my concern is, and you were just talking about the gentleman who goes to Vegas periodically and yet is on social assistance, do you believe there is abuse in the system? You were talking about fairness and made the comment that you're going to have to decide on your own whether to be fair. What's your comment on abuse of the system?

Mr Clarke: First and foremost, I cannot comment on statistics because I am not privy to it. I didn't research it, I didn't study that. That's the first thing.

Mr Stewart: I appreciate that, sir.

Mr Clarke: The second thing is, the question is answerable in itself in terms of the fact that there is a use, so once there is usage, there have to be misuses and abuses.

Mr Stewart: Thank you very much.

Mr Cullen: Mr Clarke, I served for six years on regional government in Ottawa-Carleton. The region is responsible for the administration of general welfare assistance, and from time to time I've had to refer some-body to the Social Assistance Review Board because it's a case that falls between the cracks. Sometimes it's a situation where there is a legitimate fall between the cracks; sometimes it's a faint-hope approach because we're dealing with a situation of desperation and you're trying to find some means for this person, or this single parent, to be able to make ends meet.

We look at the welfare rates that are now in place here. The single parent and child basic allowance is \$446 a month; the shelter allowance is \$511 a month. Yet we know that many who are on general welfare assistance pay more in rent than the maximum shelter allowance

allows. That was one of the unfortunate things about the 21.6% welfare cut: The rents did not go down. You are going to be dealing with cases where people do fall between the cracks, where you have the letter of the law, and yet you have clear human situations where the reality out there does not match what the letter of the law is supposed to provide.

I want to know, where are you going to go on this? Am I going to be able, in good confidence, to refer people to the Social Assistance Review Board so that the board can understand their circumstances and make the best decision, or if they don't meet the letter of the law, forget it? What's it going to be?

Mr Clarke: Mr Cullen, with the help of the Almighty, Supreme Being, my decisions will be based on objectivity and fairness.

Mr Cullen: Objectivity and fairness. We're hoping there will be some sense in terms of compassion as well—

Mr Clarke: But you just said -

Mr Cullen: — that, "There but for the grace of God go I."

Mr Clarke: Yes, but you just said it will be on objectivity and fairness, sir.

Mr Cullen: Thank you.

Mr Spina: Mr Clarke, I thank you for taking the opportunity, the time to come forward. I was most impressed by your track record, not just in your personal life but also the contribution you have made to society in general, not just to the black community, but to all people. I compliment you on that, sir. I just want to clarify, and I think it was brought forward in other cases here. Mr Cullen, Mr Stewart, and even Mr Silipo I think tried to get at it. I think you clearly stated, and I just want to perhaps paraphrase it to make sure it's clear: Would you confirm that whatever the cases are that come before the board or the tribunal, if you are in that group as well, you will look at all the factors surrounding the appeal of those individuals and make the decision you are confident is fair, both for the individual and for the system?

Mr Clarke: Mr Spina, I said earlier on wherever I go I will try to promote and promulgate, both, to help others in a professional, equitable, objective manner. That's me.

Mr Spina: I think that is admirable, sir, and I think that is the ideal approach that ought to be taken in this regard. I wish you well and hope you receive the appointment, sir.

The Chair: That uses up the time available to us for Mr Clarke. Mr Clarke, thank you for coming before the committee. We now proceed with the voting on whether the committee supports your appointment. You're welcome to stay in the room.

Mr Clarke: Thanks for having me.

The Chair: Can we move to concurrences.

Mrs Julia Munro (Durham-York): I move concurrence in the appointment of Paul Canniff as a member of the Council of the College of Respiratory Therapists of Ontario.

The Chair: You've heard the motion. Does anyone wish to speak to it?

Mr Cullen: I'd like to start from the front. We are going to support Mr Canniff's appointment. Let's get that out of the way. It's clear from his CV that as a layperson going on to this college he brings a wide range of experience, and as well he has certainly done his homework and appears to be committed to being a conscientious member of the board.

We all know these appointments come here. These are patronage appointments. That's all well and good; that's part of the process here. Parenthetically, patronage appointments are usually done as a reward for good work. I presume Mr Canniff has done good work elsewhere for the Progressive Conservative Party. It seemed to fall short of the mark in Ottawa West.

I am somewhat disappointed in the discussion here that we have with respect to the children's aid society. It forms part of his CV. It reflects on his ability to not only be a member of a body, but act on behalf of that body. If there's one thing I learned from being on the children's aid society board in Ottawa-Carleton for six years, it's that we are expected to be advocates. As a matter of fact, as to Mr Canniff's appointment to the children's aid society board, it was very clear that we were to take advantage of his connections with the Harris government and that he would be a window into the workings here.

Here we had a glorious opportunity to hear from Mr Canniff on the needs and requirements of the Children's Aid Society of Ottawa-Carleton. They've just applied for additional funding from the contingency fund because their caseload has gone up by 60%, and there are reasons for this.

Mr Canniff is certainly familiar with these things and I'm just simply disappointed that he did not take the opportunity to inform members around this table why this has happened. When you apply to the contingency fund, it means you are going over budget because you're dealing with an immediate crisis in terms of the caseload dealing with child welfare.

The bottom line is that we will be supporting his appointment and simply hope that his attendance and his participation will match what he has brought to this committee.

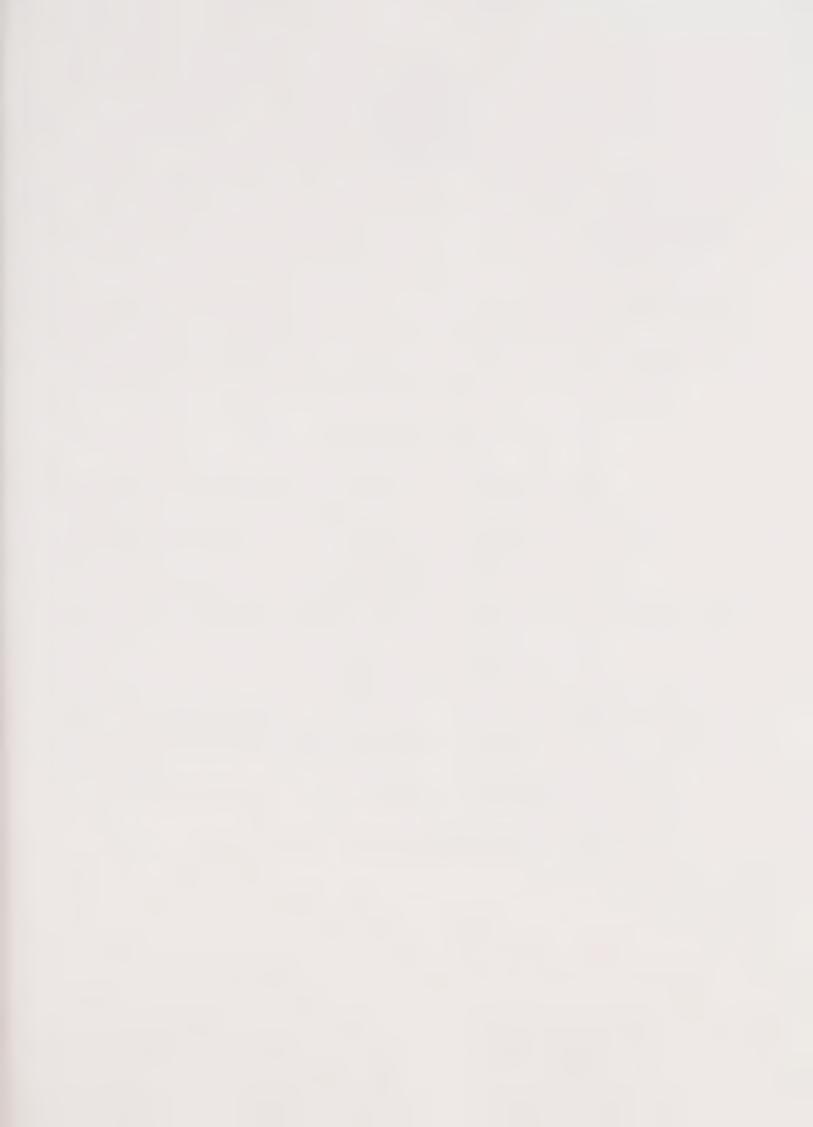
The Chair: Any other comments? If not, are you ready for the question? All those in favour of the motion? It is carried.

Mr Preston: I move concurrence in the appointment of Winston Clarke as a member and vice-chairman of the Social Assistance Review Board.

The Chair: You've heard the motion. Does anyone wish to speak to it? Ready for the question? All those in favour? That's carried unanimously.

That completes our business for the morning. As I said earlier, there are no selections for next week, so go forth and enjoy. We are adjourned.

The committee adjourned at 1103.



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Mr Peter Kormos (Welland-Thorold ND)

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Journal

des débats

Mercredi 19 novembre 1997

Standing committee on government agencies

Intended Appointments

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 19 November 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 19 novembre 1997

The committee met at 1010 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mr Floyd Laughren): The standing committee will come to order. Before we begin with our first interview, we need to deal with the reports of a number of subcommittees, going back from September 25 right through to November 6.

Mr John R. Baird (Nepean): I move adoption of the reports of the subcommittee on committee business dated Thursday, September 25; Thursday, October 2; Thursday, October 9; Thursday, October 16; and Thursday, November 6.

The Chair: Does anyone wish to speak to the motion? You've heard the question. All in favour of that? It's carried. Thank you for that, Mr Baird.

INTENDED APPOINTMENTS

MARILYN SHARMA

Review of intended appointment, selected by third party: Marilyn Sharma, intended appointee as member and chair, Social Assistance Review Board.

The Chair: We move to the first interview, Marilyn Sharma, who is no stranger to these environs. Ms Sharma, welcome to the committee. Do you wish to make any opening comments?

Mrs Marilyn Sharma: Yes, I do have a short opening statement.

I would first of all like to thank the committee for having me here today. Just as a brief introduction, as you will see from my résumé, I am currently the general manager of the public appointments secretariat, a position I have proudly held under two administrations for the past six years.

Prior to assuming the general manager's position, in December 1990 I was offered and accepted a position in the Premier's office as the project manager, with sole responsibility for producing a publication which would list all the appointments to agencies, boards and commissions to which the province makes appointments. This resulted in the publication of the first-ever Guide to Agencies, Boards and Commissions. I take a lot of pride in saying this today, because of the short time line that was avail-

able to me to meet the Premier's commitment to the people of Ontario. As a matter of fact, I managed to have it produced one month ahead of the five-month schedule.

With the successful completion of the guide, I was honoured to be offered the opportunity of setting up the public appointments secretariat, a position I willingly accepted. People who have worked with or have had the opportunity to deal with the secretariat recognize it to be a unique organization where political and civil service staff work closely together to ensure that the appointments process is administered efficiently. It is a small, dynamic, user-friendly organization with an emphasis on accuracy, timeliness, accessibility and courtesy.

As you will also see from my résumé, I have had a varied and interesting career. I have a reputation of taking on tasks and responsibilities that are new, challenging and complex. As examples, I was responsible for institution of freedom of information and protection of privacy requirements in one of the largest decentralized ministries in the province. I was also responsible for the establishment of the first rates and regulations department in a telephone company and for successfully taking the company into one of its first applications for a rate increase before the public utilities commission in over 10 years.

I will not go into any further details of my professional career, but I am willing to answer any questions the committee may have on what appears on my résumé.

The position for which I am being reviewed here today offers me a great opportunity to utilize the tremendous level of experience I have gathered in the various positions I have held. My strong background in the area of public policy, my experience in interpreting and applying legislation, my familiarity with administrative justice in Ontario, my sense of fairness and my work in developing new organizations to support legislative requirements all serve to provide me with the skill base I believe is necessary to undertake this task.

It is with this background and a willingness to contribute to Ontario that I take on this tremendous responsibility.

The Chair: Thank you for that. Do members have any questions?

Mr Baird: We defer to our colleagues in the official opposition at this time.

Mr Alex Cullen (Ottawa West): Welcome, Ms Sharma. Glad to have you here.

My experience with the Social Assistance Review Board stems from being a regional councillor dealing with people who are on assistance, trying to find some means within the system to meet their needs. From time to time we referred people to the Social Assistance Review Board, either because their case fell between the cracks or because we felt there was a compassionate situation where maybe there was some opportunity to deal with this as a last-ditch effort.

You're assuming a position as chair of the board, which from reading the documentation would appear to be largely administrative, but you'll be dealing with, in a sense, new policies coming as a result of Bill 142, so there will be the opportunity or the latitude for the board to colour in the policies, the application of those policies.

Therefore, how do you see your position as chair of the board? It's not simply administrative. When questions come up that demand interpretation, how do you see yourself working with the board to deal with these situations to make sure the needs of people in need are met?

Mrs Sharma: First and foremost, because the board operates within the mandate of legislation, there is a framework in place within which the board operates. When people come before the board, they come before the board with the parameters in place that their cases will be dealt with in a fair, objective and unbiased manner.

As the chair of the board, I will not be making the decisions on all the hearings. Bear in mind that we would have a full complement of board members who will be hearing cases and whose responsibility it will be to make the decisions on the cases they hear. I would have very little input, I would say no input, in terms of the decisions that board members are making in regard to the evidence before them. The board basically will be responsible for making the policies and putting the processes in place that will ensure — and that's my job, to ensure that people get a fair, unbiased hearing when they come to the board. That's basically what I'm looking at doing.

Mr Cullen: Just to fill this in — because if life was as simple as only dealing with process, it would be a wonderful world, but often that is not the case. We had the opportunity earlier at this committee to deal with an appointee to the Social Assistance Review Board who said, "I'm there only to apply the rules." When the issue of interpretation came up, this particular appointee shied away from giving us any kind of indication of how policy would be interpreted.

It's not just process. If you as chair are discovering that, for example, for teenage welfare cases there is a particular pattern of hearing and that interpretation of policy is going this way and perhaps it ought to be reviewed — there's clearly some latitude within interpretation in dealing with the application of the government's policies. What we would like to be assured of is that, yes, we want the process to be fair. Obviously, there's a policy framework in place. But the overriding purpose of the legislation, the government's intent, is to make sure the needs of people in need are met. Within that framework, will you from time to time look at the trends in the cases

and be able to therefore consult with your colleagues and say, "Look, folks, we seem to have this trend here on teenage welfare cases, but really we could go another route," or even, for example, make recommendations back to the government about the application of the particular policy?

Mrs Sharma: I would say it's a little bit of everything. As the chair of the board I would be monitoring not only the process, but I'd be monitoring all aspects of the operation and the administration of the legislation. As a good chair, I would certainly want to deal with any matters I see that are problematic. Any trends I see that are leading in any specific direction, I certainly would want to alert the minister of that. It is not my decision to make the policy, but it's certainly my responsibility as the chair to point out if there are areas of concern or issues that are coming before the board that show any specific trends that need to be looked at. But I'm not in the policy-making business.

Mr Cullen: Would you be therefore open to those who monitor from the outside the activities of the board and its members in making decisions? For example, I think of legal aid clinics and community health resource centres who often help low-income people deal with the system. If they detect a trend in terms of interpretation where the legislation might lead one to go someplace else, would you be open to representations from them to at least review the direction that the board is taking?

1020

Mrs Sharma: My background being as an economic policy adviser, I think the best policy and the best way you can operate is to listen to everyone. I would certainly not be averse to listening to people who use the system not only from the professional side, but also the users of the system. I would certainly be willing to listen if it is going to mean making the board a better board.

Mr Michael Gravelle (Port Arthur): Good morning, Ms Sharma. You're here to have an appointment as chair of the Social Assistance Review Board, but if Bill 142 is passed, of course, that will be replaced by the Social Benefits Tribunal. So in essence I presume this appointment is a very short appointment — or is this an appointment to the new tribunal as well?

Mrs Sharma: Under the current legislation, the chair is appointed for three years. Initially, the appointment is a three-year appointment. If and when the changes come about, we will have to deal with those in terms of transition, but my appointment right now is a three-year appointment to SARB.

Mr Gravelle: But just to the Social Assistance Review Board, rather than —

Mrs Sharma: Yes, because that's what is in existence now in terms of the legislative base. We would deal with the new legislation at the time.

Mr Gravelle: I presume you are preparing yourself for the position. Are you preparing yourself on the basis of the new legislation, which may of course be passed at some point in the near future?

Mrs Sharma: I'm being appointed as chair of SARB. Basically, I'm going to deal with the issues that are com-

ing before SARB in my tenure as the chair of SARB. Certainly I'll be looking forward at what's happening with the new legislation. I know it has gone through second reading. If and when it comes to pass, yes, I certainly will be giving that some thought, but at this point in time my concentration is looking at —

Mr Gravelle: But there would be a new process, then, put in place.

Can I ask you a question that may be a stupid question? I apologize if it is. You're the general manager of the public appointments secretariat and you're coming before us for an appointment. I'm just curious as to the process, how your appointment came about, in light of what could be viewed as a potential conflict. I'm not suggesting you appointed yourself by any means, of course, but I'm just curious. It's just an odd situation.

Mrs Sharma: I've had a very odd career pattern. It came up two ways. I have been with the public appointments secretariat for six years and I've done all kinds of interesting things in terms of my background. I became aware of the position, indicated an interest and put my application in, and was given consideration based on the work I've done in the past and the strong liaison I've had with the various people I've worked with. My name was given consideration and I was interviewed for it.

Mr Gravelle: Can I ask you for your opinion in terms of the changes that may result under Bill 142, which certainly in my opinion reduce the opportunity for people on social assistance, or make it more difficult for them to make appeals because of the fact that there will have to be an internal review done before it can go to the new tribunal. Would you be prepared to give us your thoughts on that process? It seems far more limiting to us, and more restrictive.

Mrs Sharma: In terms of the position I'm taking up, I'm not prepared to give you my thoughts on that primarily because the job I'm taking is one of applying the legislation and not applying my own personal views or intentions. I'm a professional bureaucrat and I'm used to working with government in terms of various pieces of legislation. I don't generally give my views on them, but I certainly am willing to carry out the requirements of this legislation.

Mr Tony Silipo (Dovercourt): Thank you very much, Ms Sharma. My apologies for missing part of your initial presentation.

You may have been told that I usually ask people about their political affiliations. Can I assume, given your background — and I know, as you just stated, that you have been in your current position for a number of years, including during the time I was on the government side — that you are not a member or not affiliated or supportive, other than perhaps through the way you vote, and that's your own private right, with any political party?

Mrs Sharma: That's right. I'm not affiliated with any

Mr Silipo: I'd like to pursue a couple of questions with you. The first is this question of your sense of how long your appointment is actually going to be valid for. I appre-

ciate what you said earlier. I'm trying to go beyond that a little bit. I'll put the question this way: There must have been some discussions between you and the minister, or whoever at the end of the day said to you, "We'd like to recommend you for this appointment," about what it meant that you were being recommended for appointment as the chair of the social assistance board. At some point in time, this board will shift into another entity, or the responsibilities that are now there will shift to the new tribunal. Is it your understanding that you are being appointed to complete the work of the Social Assistance Review Board, or is it also your understanding you would be then part of that transition into the new tribunal?

Mrs Sharma: There wasn't any detailed understanding. The appointment is an appointment to SARB. I assume there are lots of variables that are going to play a role in terms of how long the appointment is. One is that when the legislation does get third reading — my understanding is I'm going to chair SARB. What happens in the interim would depend on what is happening with the bill. I'll deal with that once it comes to that point. It would be up to the minister to make that decision, but my appointment is a three-year appointment to SARB.

Mr Silipo: You must be familiar, as we are, by virtue of the numbers we have in front of us — I'm sure you have looked at these and other pieces of information as they relate to SARB — with the fact that caseloads and the number of people on social assistance have indeed declined over the last couple of years. That's clearly there and it's undeniable. We can argue about what the reasons for that are, but let's just for the sake of the moment leave that aside. But interestingly enough, during that same period of time, the number of people making applications to SARB has increased and I gather is projected to continue to increase.

Again, in the discussions you've had with the minister or whomever with respect to your appointment, what discussions, if any, have taken place with respect to what people expect you to do about that?

Mrs Sharma: Quite frankly, in terms of the caseload, that's what I'm going to be looking at. Speculation as to why it's increasing is not really part of my responsibilities. My responsibility is that when the cases come forward, they are handled in an efficient, effective and fair manner.

I have no comment in terms of the increase in the amount. I'm going to have to deal with it in terms of the problems or the issues and concerns surrounding the increase in the caseload in terms of what it means to the board and its operation. Why it's happening, I have no idea.

Mr Silipo: I'm surprised by that.

Mrs Sharma: As far as I'm aware, statistics aren't kept as to why people come on or come off.

Mr Silipo: But surely someone would have pointed out to you — there may be disagreement on this, but it has certainly been my understanding that if you look back at the history of what has happened with respect to applications to this board, where you see jumps in caseload from

year to year, you can almost inevitably tie them back to major changes, or minor, however one wants to describe those changes, in policy that has been put together with respect to social assistance. I look back, for example, even at the years when I was in that ministry and can see where some of those — I remember some conversations I had with your predecessors around that very issue.

Does it surprise you that the changes this government has made to the social assistance system so far — let alone what's going to come yet with the new legislation, but what they've done so far — would be one of the major reasons why you have on the one hand caseloads going down, but appeals to the Social Assistance Review Board going up?

1030

Mrs Sharma: I have not really turned my mind to that. As I say, I'm looking at what is before the board, and the requirements and the rights of individuals to appeal. Individuals do have a right to appeal. Basically, that's where my attention is going to be, making sure people get a fair and hopefully timely decision from the board.

Mr Silipo: What is your understanding and your comment on the various processes the board has put in place over the years to try to deal with that increase in caseload? Could you comment on that?

Mrs Sharma: I think they have made some very positive, significant steps based on the statistics I've seen in terms of dealing with the backlog and dealing with the cases before them. I would like to go in and have a look myself. The backlog is quite high. I would certainly like to do some further analysis. Economics being my background, I certainly want to look at this and do some analysis of my own to see whether there are more creative ways we can deal with this and have some of these cases dealt with in a more expedient fashion.

Mr Silipo: What is your sense about what is going to happen with the new legislation when a number of the grounds upon which people can now make appeal to the social assistance board will no longer exist, when the question of interim assistance is going to be open to the board to claw back when the actual appeal is unsuccessful? Do you see one of the results of that being that it will reduce the caseload that SARB will have to deal with?

Mrs Sharma: I really cannot say at this point in time. I guess time will tell. Not until that's in place would we have any information to prove that.

The Chair: There's five minutes left for the government members.

Mr Joseph Spina (Brampton North): Ms Sharma, thank you for appearing today. I was pleased to hear a couple of comments you made. One is that you feel your responsibility is to implement and carry out the structure of the legislation. I'm most impressed with both your academic and your career credentials, because I think you do bring a marvellous skill set to the table.

I was a little puzzled, and I hope you would maybe clarify this in my mind, that you have a marvellous career and now you're applying for a three-year appointment,

essentially — it could be longer. I was curious as to why you wanted to pursue this opportunity.

Mrs Sharma: I never refuse a good challenge, and I'm very optimistic that given this opportunity, I'm going to make a difference to the board.

Mr R. Gary Stewart (Peterborough): Thank you for your presentation. Back two and a half years ago, the government of the day decided to reduce social assistance down to about 10% above the national average. I guess because of that, the caseload certainly has increased, and will. Would you care to comment on that reduction?

Mrs Sharma: It's difficult for me to do so. When I get into the position and I am able to look at the —

Mr Stewart: But that's what your position is going to be all about. There is a reduction. It's down to, as I said, 10% above the national average. That's what your position is going to deal with, to look at appeals etc. For you to go into it without some type of opinion on this — I can appreciate you have to be fair and neutral and so on, but you must have an opinion on this particular situation.

Mrs Sharma: There is a lot of speculation in terms of why things are happening. I've heard all kinds of views on that. Again, as I indicated to Mr Silipo, there are no statistics kept as to why people apply or why they appeal, so it's difficult for me to equate or correlate the decrease with an increase in the appeals that are coming before the board.

Mr Stewart: A major concern of the public and many people who are footing the bills these days is fraud and abuse. Again, when we look at some of the statistics, it is extremely high, but certainly going the other way since certain legislation has been put into place and more concern given to it. Do you have any comments on that?

Mrs Sharma: I think anything that any government does, and this is my personal view, that makes the system more efficient for the people who have to use the system as well as the people who have to pay for the system must be looked at in a positive vein. Some of these systems that have been put in place have done that. I certainly think it's in the right direction.

Mr Stewart: Certainly there's a concern that some of the cases that may come before you — I don't know, but we can speculate — may border on fraud and abuse. Do you feel you can deal fairly with those?

Mrs Sharma: Certainly.

The Chair: Any further comments?

Mr Baird: Thank you very much for your comments this morning. What qualifications do you think you possess? One of the issues we're dealing with in terms of agency reform, particularly adjudicative agency reform, would be effective management, a whole series of things, whether it's case management, whether it's the whole process of administrative management at the board itself. What sort of experience and background and skill set do you bring in those areas?

Mrs Sharma: The first one is that I have an extensive background in setting up new structures and working with the processing of processes. I have worked with the agency reform committee under Mr Wood in terms of

looking at the agency sector and areas where we can assist in improving it. I have been an integral part of the ADM's working table on agency reform and looking at it from the bureaucratic side as well, on contributing to that process. So I am quite familiar from both the administrative side and the organizational side, and I'm familiar with it from the agency reform initiative that this government has taken as well.

The Chair: Mr Silipo has indicated he wishes to get on again. There's two minutes left in your time slot.

Mr Silipo: Ms Sharma, I wanted to do this particularly because there's an issue you've addressed a couple of times where I'm troubled by your answer. I want to just come at it again. That is the comment you made in response to one of my colleagues opposite that there aren't statistics kept about the nature of why people appeal. I can tell you that when I was minister, I remember on more than one occasion seeing statistics that showed me grouping by grouping what kinds of reasons people were applying for — obviously not the specific appeals, but in terms that so many of the cases had to do with X issue. Is that something that has changed as far as you're concerned?

Mrs Sharma: No. Let me clarify. What I meant was that when people come off social assistance, they don't give us reasons as to why they are coming off.

Mr Silipo: All right. The other question I had is, given your position as a civil servant — I'm assuming that if after your appointment to this board your appointment does not continue to the new board, you would be able to go back to the civil service. Given the nature of your position, do you feel that you are put in any kind of sensitive or awkward position or a potential conflict by virtue of being a civil servant; that is, that you are being appointed by a government and at the end of the day you continue to be responsible to the government of the day through your position as a civil servant? Is that going to in any way encumber your ability to be independent of government policies?

Mrs Sharma: Absolutely not.

The Chair: Ms Sharma, that completes the time for interviews. We thank you very much for appearing before the committee.

Mrs Sharma: Thank you very much for having me. 1040

WILLIAM SAUNDERSON

Review of intended appointment, selected by official opposition party: William Saunderson, intended appointee as member and chair, Ontario International Trade Corp.

The Chair: Let us proceed to the second interview. That's with the MPP for Eglinton, Mr Bill Saunderson. Mr Saunderson, welcome to the committee this morning.

Mr William Saunderson (Eglinton): Thank you very much. I'm very happy to be here.

The Chair: Do you wish to make any opening comments?

Mr Saunderson: Yes, I'd just like to say a few words.

I've had a chance now as an MPP and as a cabinet minister to be involved with the business community, because that's what my portfolio was involved with. I had a chance to learn a little bit about how important the export trade is to this province. If we look back on the last few years, when we had a recession in the country and indeed in North America, if we had not been an export-oriented province, we would have suffered a great deal more than we did. So I think export is an important aspect of the Ontario economy.

You know my background as a businessperson. I was in business basically for 40 years on the financial side of business before seeking election in 1995. I spent a great deal of that time, in my business career, dealing with people from other countries and indeed travelling to other countries, so I obtained a good working knowledge of how international business works.

I'm happy to appear before you today to answer any questions you may have or give any explanations you might like. Mr Chairman, I'll turn it back to you.

The Chair: Thank you for that. We begin the questioning with the official opposition.

Mr Monte Kwinter (Wilson Heights): Welcome to the committee, Mr Saunderson. Could you tell me exactly the terms of your engagement? I find it very strange that we have someone appointed the chair of the Ontario International Trade Corp who continues to sit as an MPP. Can you just tell me exactly how that works?

Mr Saunderson: My understanding is that I have been appointed, or will be, if successful today, for a three-year period, which is what former Premier Davis was appointed for in 1994.

Mr Kwinter: So in fact your appointment will exceed the mandate of this government.

Mr Saunderson: That's possible. It all depends on when the election is called, I suppose.

Mr Kwinter: How are you compensated?

Mr Saunderson: When I was the minister involved with this organization, we asked all the members of the board, numbering 21, to take no compensation other than \$1 a year. I'd be happy to forgo my \$1.

Mr Kwinter: So you're going to continue to be paid as an MPP, and I assume — I don't know for sure, but I'm reading into this that you don't expect to be running in the next election.

Mr Saunderson: That's right. I had said I'm not going to be running in the next election.

Mr Kwinter: You're not going to be running in the next election, and then you will just continue on at this \$1 a year plus your expenses.

Mr Saunderson: That's correct. I think it's a good way to serve one's province, regardless of whether one is an MPP or not.

Mr Kwinter: I commend you for wanting to do it. I just wanted to understand what exactly the terms of engagement were.

One of the concerns I have — as you've been a minister, I've been a minister in the same portfolio. I attended the launch of the Ontario International Trade Corp. At the

time, my comment, and it was widely reported, was that it was nothing more than a launch of a new logo, because there was really nothing of substance there. They made a big deal of the fact that Bill Davis was going to be the chair of this. I can tell you, he was never to be heard from again, because I certainly never heard from him again as to what he was doing.

Secondly, the big thrust was this video where people could come into this centre downtown and plug into the video machine and get information on Ontario. That was supposedly the big thrust of what this agency was doing. Today, and even then, when you consider Web sites on the Internet, where that's just standard procedure in any jurisdiction, you should be able to have that. To make that the focus of what this agency was going to be doing when at the very worst there should have been an in-house information session for the staff to say, "Here's a facility that's available to help you when you're dealing with our client base" — to make that the basis for this new initiative I found very strange. Do you have any comments on that?

Mr Saunderson: First of all, as far as Mr Davis is concerned, he did attend and chair the board meetings on a regular basis. I attended some of those board meetings, and he did chair them very capably. The OITC's forerunner actually goes back to about 1981, and then the name was changed by the previous government, as you say, in 1994, when the OITC in its new form was launched.

As far as I'm concerned, since I've been involved in the government, the OITC has been very active. They have a staff of around 30 to 40 people. All those people have responsibility for various parts of the world, to go to trade shows, to take companies to those parts of the world, to help them further their exports.

I did take a trade mission myself to South America last spring under the auspices of the OITC. It was extremely well organized and extremely successful. We took 25 people with us, representing 15 companies, two community colleges and one university. We covered Chile, Argentina and Brazil. The doors that we were able to open were substantial. The planning that we provided to the companies through cooperating with the federal government, with their embassies in those countries, allowed good contact and resulted in a lot of new business for Ontario companies. The total amount of new business that we anticipate is somewhere in the neighbourhood of \$100 million. That may not seem a lot, but that was all new export work that these companies or organizations had never had before.

That's the type of thing I would like to see done more by the OITC. We did some other trade missions to trade shows as well. To give you two examples, we went to Chicago last year to the plastics show, where there were some 35 Ontario companies at one of the biggest trade shows in the world. Again, we were able to open some doors and bring people together not just to further their exports, but to maybe get more partnerships between American and Canadian companies, and companies from all around the world, for that matter, to partner with Ontario companies, which would help manufacturing both

here and in their countries, but would also help with external trade.

The other one that I would mention is the air show in Abbotsford, British Columbia, in August. Again, there were 20-some companies from Ontario, because we are becoming a big factor in the aerospace industry, so much so that by the year 2000 we expect that Canada will be the fourth-ranked aerospace country in the world. Of course, we are about 40% of the economy of Canada, so that's going to benefit Ontario.

You mentioned the Ontario Investment Service, which is located downtown in BCE Place. I think that is a very good operation. Not only is it good from the point of view of being a focal point where you can bring foreign investors or foreign trade people, but it also helps foreign companies that are looking for assistance to maybe locate in Ontario.

I can tell you that the Ontario Investment Service was a prime factor in the decision of many of the Japanese auto parts companies that have come to Ontario over the last two years. They have gone to the facility and have asked a number of questions, and the facilities there have thrown up a number of suggestions of where plants could be located. When I have spoken to companies like Denso, which is a very big radiator manufacturer coming from Japan to locate here, they have found the Ontario Investment Service, which works very closely with the OITC, to be of great assistance.

So I don't think it's just a name, as you implied. I was pleased to let you know it is functioning and has functioned well in the time that I've been involved with it.

Mr Kwinter: I'll tell you my concern. I have no problem with trade shows; I think they're fabulous. If the government could organize to get Ontario manufacturers to go to a trade show and help them with the costs of exhibiting and have a critical mass, that's wonderful, because people go to trade shows to do business. I have no problem with that.

I don't have a lot of problems with trade missions; I have problems with the spin that's put on trade missions. I've always said this. It's ridiculous to think that someone is going to go to China in one week and sign \$5 million worth of orders. It just doesn't happen. These things take months and sometimes years to negotiate. When you go to the air show in either London or Paris, those deals have been done for months and they're just waiting for the air show where they announce them. Suddenly, you come back and say, "We went to the air show and we signed up \$5 billion worth of orders in a four-day visit." That just doesn't make any sense, and you know that. Those things are all predetermined.

1050

My concern is, are you going to be able to provide some kind of direction so that we have people on the ground in these areas so that you're not reactive but you're proactive? These deals take, as I say, months and sometimes years to negotiate. A lot of these things that are announced on trade missions never happen. I can tell you a whole list of them. The atomic energy commission went

there and announced all these things. Nothing has ever come of it, but they make good headlines and justify the trade missions.

My concern is that there aren't people on the ground. I'm not suggesting that you reopen all the trade offices, but it seems ridiculous that a jurisdiction like Ontario, which is one of the most trade-dependent jurisdictions in the world, and its largest customer, where 80% of its business is done, doesn't have a representative. It's like having a company and saying: "Our biggest customer is in the United States, but we don't have any salesmen there. We're waiting for them to come to us." Have you given any thought to that? Have you made any overtures to the government as to what it can do about that?

Mr Saunderson: I have. First of all, I agree with you; it takes time for these deals to happen. As you say, a lot of the announcements are a result of many, many months of talk, but they use a facility like the air show — by the way, I haven't been to those two — to get some publicity. I agree with that. I certainly want this organization to be proactive, not reacting to something.

My feeling is that small and medium-sized companies are the ones that need the help to export. The big companies, of course, whether it's aerospace or automotive or whatever, are out there and have been out there doing foreign trade for a long period of time. You know that from your experience too. But the companies that need the break and the assistance in exporting are the small and medium-sized companies.

We run wisdom exchanges, as you probably know. The previous government started those, and they were good. I think we have improved upon the system, but always one of the most attended sessions at those wisdom exchanges is the one dealing with exports. So yes, those are the companies that need the help. I would never go on any trade mission unless I was taking with me a number of companies of that nature, because for a minister or somebody involved in this, as I would be, to run around the world by himself or herself is pointless. You have to go and take companies so that you can open the doors for those companies.

You asked about trade offices. As you know, the previous government closed down the 17 offices that were located around the world. We still happen to have someone on the ground as far as tourism is concerned in Japan. I feel that this man has done a great deal to promote tourism to Ontario. Indeed, Ontario gets about 350,000 tourists a year from Japan, and that's as many as each of Alberta and British Columbia, and we don't have big mountains in Ontario — because the Japanese like to ski. But we do have a lot of golf courses, and they like to golf. The point is, having somebody on the ground, we have competed quite well with other provinces that have a lot to offer.

I have used that as an example in my talks with people within the government. Having spoken to Roy MacLaren, the high commissioner of Canada to London, he would be willing to allow any province to use some of the space they have, because they have downsized a bit and they

have some extra space. So down the road it's very possible that we would have not a huge office operating in some major centres, but people there representing Ontario, where people could come from the UK into London to talk to that person.

Indeed, I have had some words with the Premier about this. Rather than going to the big expense of independent offices, you could have our people in certain locations around the world where we do the majority of our trade. Where we do the majority of our trade is with the United Kingdom, the United States, Germany and Japan. As a starting point, that might be where you might put those people.

Mr Kwinter: Can I —

The Chair: We just went quite a bit over time, so I think I had better call a halt to it.

Mr Silipo: Mr Saunderson, I can probably dispense with my standard question, given that despite what the government is doing, or perhaps from your perspective because of what the government is doing, you're still a supporter of the Mike Harris government. I still see you sitting on the other side, so that means you must still be a member of the party.

Let me go from there to a couple of questions I have on your appointment, which I really find interesting and I see some logic to, actually. First, just for my own information more than anything, in terms of you going to this position, given that you are coming at it from having been now for a couple of years the minister responsible for this body, I'd just be curious about your responsibilities in this position vis-à-vis those that would have been carried out by your predecessor. For example, in terms of your previous job as Minister of Economic Development and Trade, I understood that you were the lead person for the government who would be travelling to other jurisdictions to promote trade and doing those kinds of things. Is that something that switches to you in this new position, or is that a role that the new minister will continue to carry out?

Mr Saunderson: Just to make one comment about what you said at the beginning, yes, I am indeed a very keen supporter of the government.

Mr Silipo: We all have our flaws, Mr Saunderson.

Mr Saunderson: I'm only sorry you didn't ask me the question, where I could have gone on for hours, why I am such a keen supporter because —

Mr Silipo: That's why I didn't ask it.

Mr Saunderson: —I really believe strongly that we're doing the right things in every aspect of all legislation.

Mr Silipo: You never answered a question I asked you in the House, so why don't you just do the same thing here?

Mr Saunderson: I like small rooms.

There are two aspects of business that we deal with — three aspects, really. One is to keep businesses thriving in Ontario; one is to get more investment into Ontario; the third is to help our Ontario companies export. Exports create jobs and that creates demand for goods and services, and that always creates economic activity. So no matter what we're trying to promote, whether it's the

existing businesses or more investment in Ontario or more exports from the existing companies, we're always trying to create jobs and the economic activity that goes with that.

As I said to Mr Kwinter, we want to be more proactive at OITC and do more export missions or trade missions. I would expect that the minister, Mr Palladini, will continue to do the investment-type missions where you go abroad and you take with you a sector of the Ontario industry, as I did many times, but one in particular: the automotive parts manufacturing companies. You go abroad and meet with other companies to try to bring partnerships and also sell the advantages of doing business in Ontario — and there are many advantages to doing business in Ontario since we got elected.

However, on the trade missions what I'd like to see are more missions much like the one we did last spring to South America. I saw the benefit of that. I saw the benefit that an order for a lighting system for a city was obtained by a company in Ontario, which means that order will be filled by people working in Ontario and ultimately will lead to a factory being put up in South America. So it's a win-win situation for both Ontario and the country you visit. I'd like to see more trade missions of that nature. We could probably do one a quarter to do them properly. To say you're going to do them week after week just doesn't make any sense. It takes time to plan. Therefore, my aim is for three or four sensible trade missions per year concentrating on exports.

1100

Mr Silipo: So it's fair to say from that that the role the current minister will play will not be significantly different from the role you played. Obviously, you may be doing more of the travel, but he will also continue to do that.

Mr Saunderson: That is correct.

Mr Silipo: The reason I ask this is because I do think that is important. I think it is important that there be a political presence. Obviously, you're in a unique situation in terms of carrying that out, but it's important for the minister to also be seen as the person who is at the head of that, where appropriate.

I also want to get at one other issue which has to do with why it is companies choose one jurisdiction over another. I'm sure we will continue to disagree on this, but I would be interested in your observations on why it is that when you look at the jurisdictions around us, particularly the US jurisdictions around us, you can find that there are a couple of things that exist — one or more. One of them is either they are involved — these are the ones that are attracting business that might be coming to Ontario; in other words, the jurisdictions that we compete with.

Part of the reason that I think is undeniable is that they are increasing the advantages they offer to new businesses that come into their jurisdictions by way of either tax credits related to job creation or other kinds of incentives, for example around research and development, whereas certainly under your tenure as minister in your government this jurisdiction has gone the opposite way. I know you've

got all sorts of other reasons and rationales in terms of the tax reductions etc, but I'd just be interested in your observation as to why it is that when you look around, those jurisdictions that are growing are doing that at least in part, if not entirely, because they are prepared to put money on the table by way of, as I say, those tax incentives for new businesses. We're not. Isn't that one of the reasons why we're not doing as well as we could be doing in terms of attracting business from other jurisdictions?

Mr Saunderson: Actually, I think we're doing very well getting new businesses into Ontario. We know there are jurisdictions around us, basically south of us, that give tax breaks to companies to come and set up in their regions. They give them grants and loans and other things. It was our policy in our documents when we sought election, we said we would not give grants to businesses, and I agree wholeheartedly with that. When you give grants to businesses, you sometimes support the weak people. When you give loans to companies, forgivable or not, you become the banker of last resort, and the banker of last resort usually gets the worst deals.

I say to you that we've done well getting new companies here. I could go through a long list if you would like, but all I can say is I've had the opportunity, as the minister Mr Palladini will have, of cutting ribbons and making announcements. It became a regular basis to be out at least once a week doing that. I don't think it has hurt us to do this.

What I think has helped us is to have the right business climate, where we say we're open for business, where we say we are going to do certain things for business — change the labour laws. You may not agree with them, but we did that and that seemed to make a big change for businesses to come to Ontario. We were off the radar screens around the world as far as a place where businesses wanted to come. That's why we started the Market Ontario program about a year ago now. It's a \$17-milliona-year program for three years, and it is working effectively to get the word out that Ontario is open for business again, that it has made many changes to be accommodating to businesses but we are not in the grant business.

I don't think that has hurt us. As I said earlier, since being elected we have created something like 260,000 net new jobs, the majority of them coming in the last year, which I think somehow reflects on the time it takes to get the message out and also to have the benefit of the Market Ontario program, which is an advertising program, if you wish to call it that. I think it is paying off.

On R&D, Ontario now has, with the challenge fund that was announced in the last budget, some of the best tax credits, probably the best tax credit system in the world. Quebec is very close to us, and depending on what size of companies we're talking about they may be a little better than us, but we are a little better than them on some. The bottom line is our research and development tax credits are very good. That's one of the reasons why I'm so pleased that the change in curriculum is going to be emphasizing more maths and sciences, which will lead our students into R&D jobs down the road, because that is

where the future is. We are doing extremely well with the pharmaceutical industry, as an example, creating jobs there.

Mr Spina: I feel awkward calling you Mr Saunderson, because I've worked with you for such a while. I was honoured to be the parliamentary assistant when you were minister. I applaud the opportunity that will be given to you. Hopefully, you will be the chair of this corporation.

I have a twofold question, if I may. One has to do with your experience, your background in the financial investment field. The other has to do with a comment you made with regard to some strategic markets and small business. I'm going to try to tie those together.

Traditionally, a lot of governments have sought to develop deals with foreign countries and often with Third World countries to develop a domestic export market, but what happened at the other end was that the provincial or the federal government actually ended up either granting the money to buy that or guaranteeing loans through the international bank or whatever process. I'm wondering, because of your experience in the international financial field, is there in your opinion sufficient opportunity for the private sector investment field, both domestically and on an international basis, to fund many of these deals that might be put together?

The second part of the question was, what are some of the strategic markets that you think could be developed, particularly with respect to the small business portfolio I held when I was under you, but for small business in Ontario?

Mr Saunderson: I'll answer that question in two parts. There is funding to finance foreign trade with the Export Development Corp in Ottawa. I'm going to be in Ottawa this week and I would like to pay a visit to EDC, as it's known, just to clarify a few things for myself. I'd also, if possible, like to have a chance to visit our external trade minister, Mr Sergio Marchi. But I do know the funding seems to be there. I have good respect for the EDC. They've made some excellent comments in the press recently about exporting and just how important it is. They're there to do the financing. As you know, they're quite active in the short-term money market, to provide the funds for that type of business.

As far as other strategic markets are concerned, I would think the trade mission we did to South America is a good example of what can be done. The Team Canada mission is going there this January, as you probably are aware. We are sponsoring for the small and medium-sized businesses an export seminar based on that trip. We're doing that on December 2. So every time you do a trip like we did in the spring, to South America — or Latin America, as it's known — I think it's best to follow it up with the seminar, to have the people who are participating in that there to talk about their experiences to other small and medium-sized companies.

1110

Having said all that, areas I would be looking at for future business and external trade would be to eastern Europe. We are now seeing the signs that since the Berlin

Wall came down in 1989, those countries that were freed, if you can call it that, at that time are starting to show good economic progress. That's even happening in Russia now. I would think eastern Europe, as far as Russia, might make a lot of sense. I don't know that you could do it all in one, but you could probably do it in a couple of visits. It's important to always follow up where the Team Canada missions have gone, by the way, because as Mr Kwinter ably pointed out, it doesn't count just to go once to these places; you have to go back again. Not that you have to go with the trade commission, but you have to be attending the trade shows and everything that's happening there.

I also think the Far East, the Asian Pacific, is still an area where there's a great deal of potential for Ontario companies, despite the fact that they're into a bit of financial turmoil at this stage because of their currencies and their securities markets. But that is another area that you have to keep going to on a regular basis.

There are other countries in South America, by the way, as well, particularly those that belong to the Mercosur, which is the trade arrangement in South America. I think those other countries are worth going to see.

Mr Spina: Thank you. I very much enjoyed the time that we worked together, Bill, and I hope you really do well with this appointment.

Mr Saunderson: You should feel happy with your self-help centres, which are now starting to happen all around Ontario.

The Chair: I'm going to call a halt to this love-in.

Interjection: It's embarrassing.
The Chair: Yes, it's embarrassing.
Mr Baird, you have two minutes.

Mr Baird: Thank you, sir. You're a very capable chairman.

The Chair: What can I say?

Mr Baird: There was some discussion over the issue of members of provincial Parliament serving on agencies, boards and commissions. I know you, sir, as Chair, in your own lifetime and distinguished career in this place, will remember that this is not the first time that was done. It happened a number of times, you will recall, in your tenure here. I think Osie Villeneuve, the former member for S-D-G & East Grenville, served as a member of the St Lawrence Parks Commission, and on the Niagara Parks Commission there were a number of members of provincial Parliament who did at various times either chair or sit on that commission, and a whole host of others. I'm sure it was more commonly done not too far back in your time here, sir.

I would like to talk about two things. One is the issue of promoting Ontario's trade abroad. I know you were of assistance to constituents in my part of the province with the last one. You went down to Delaware to assist the local economic development officials in securing — successfully, at the end of the day, I might add — a good number, 1,500 or 1,800 jobs, at a call centre that's coming to Ottawa in the coming months.

How would you see your role as chair of the board in terms of not just what we'd call, as Mr Kwinter talks

about, a bigger trade show, rather being available specifically to assist local, whether it's a regional economic development agency or a local industry in securing investments to Ontario?

Mr Saunderson: The Minister of Economic Development, Trade and Tourism really seeks to get investment into Ontario and also to help promote trade abroad. I will also try to be of assistance to Mr Palladini in whatever way he wants, but particularly if there's a chance when we're abroad to also go and see a company which might be considering investing in Ontario, large or small, that's something I can do as well, because of my background and my experience. You would never, ever want to stop with just external trade; you'd always want to try to get investment into Ontario as well. I'm certainly happy to do that.

You mentioned the MBNA company, which is a call centre, an affinity credit card operation. It's really a form of bank. Yes, we did go down to Wilmington, Delaware, to promote Ontario, and we won that big operation for Ontario. I'd be happy to do that again, because I look on that as a form of trade as well. I would like to continue on those special assignments, if that's what the minister would like me to do.

The Chair: That exhausts our time with Mr Saunderson. We appreciate your presence here before the committee this morning. You are welcome to stay and watch what happens with the vote on concurrences, to see whether your new career takes off or crashes and burns.

Mr Saunderson: I'm hoping for a good flight. Thanks very much.

The Chair: Okay. The Chair would entertain a motion for concurrence for Ms Sharma first.

Mr Baird: Chair, I would move concurrence on the appointment of Marilyn Sharma as chair of the Social Assistance Review Board.

The Chair: Is there any debate on it?

Mr Baird: I would just make a few short comments. I think Ms Sharma's nomination is an excellent one. She's someone with a very distinguished record and career in the public sector. It's just an example of why the Ontario public service is well regarded, not just in this country but around the world.

She's does not have a partisan background in terms of any political affiliation. She could bring a tremendous skill set, not just that she has learned in her current post but working on projects ranging from agency reform and various other administrations in the government. I think you need a good, balanced skill set. You need someone in this position who will exercise good, solid, fair judgement, which unquestionably Ms Sharma will. But you also need a good skill set as a manager, running an adjudicative agency in the province. You can't have one without the other, I would suggest. I think the nominee has an excellent balance of both and we would all be exceptionally well served by her nomination.

Mr Cullen: I want to say at the outset that we will be supporting the appointment of Mrs Sharma to the position of chair of the Social Assistance Review Board. I just had to note that the previous speaker seemed to point out that it was a good thing not to have a political affiliation, so I'll be interested in his vote when it comes to the next appointment, when we get there. I never consider someone's political affiliation to be a barrier to doing a good job. From my own experience within the federal civil service, I know there are excellent people in there who work for the betterment of all of our community.

I just want to get my concern on the record, because there are two points that came out as a result of our conversations, our questions and answers with the applicant. One is that Mrs Sharma did indicate that in her view she was being appointed to a three-year term as chair of the Social Assistance Review Board, yet we all know that board is going to disappear. It seems rather clear to me that someone has made a commitment to Mrs Sharma that it will be a three-year appointment, so therefore one has to assume it will carry over to the new board as created by Bill 142.

I am also concerned, and I think you detected that from the direction of my questions, that the board is going to be dealing with new policy, and therefore new interpretations of policy. No matter how you'd like to be very fine about it in terms of, "These are the procedures; we're just interpreting procedures," we all know we are taking decisions that are going to be affecting real people's lives.

This is where I want to simply put on the record, for the people I have sent up to the Social Assistance Review Board for review of decisions — we all realize the rules are there, but the decisions that go up to the board often deal with those cases that fall between the cracks. I was very pleased to hear Mrs Sharma say that she will be reviewing the decisions being taken by the board, that she is open to points that will be raised by those people who interact with the board, simply because we do want to be sure that the purpose behind the legislation, that the needs of people in need are being addressed and that taxpayers' dollars are being protected. which sometimes are the same thing and sometimes are competing interests.

I think these things are important. You can't simply hide behind, as we heard earlier from other appointments that were being made to the board all of a month ago, "I'm just there to follow the rules." Would that life were that simple.

1120

Mr Silipo: This one gives me some trouble. I have no doubt about Ms Sharma's sense of fairness and her genuine desire to do that and to be that in this appointment. I have some concerns about the nature of the task she's going into because of the changes the government has made so far, particularly the ones that are yet to come. I don't know what to make of this appointment in terms of whether it's going to carry on into the new board or not. I didn't get a clear sense one way or the other. It may be that Ms Sharma doesn't really know herself what's going to happen partway through this process.

I am concerned about her sense that this is more an administrative type of function, because this is an adjudicative body. While the chair herself may not sit regularly on

panels, it involves more than just running the ship in terms of the administration of it, so I have some concerns about that. At the end of the day I'm going to give her the benefit of the doubt, but I wanted to put on the record my concerns about that, because at the end of the day it's fair to say that my big worries about this board have to do far more with what the government policy continues to be and is going to be with the continuing changes that will severely limit people's rights to appeal than it has to do with the individual who's being suggested to head this board, at least in the intervening period.

I will support Ms Sharma's appointment because I frankly don't want to take what I consider to be the copout route of just not voting on it, which I know under Mr Baird's new rules we can do. But I do that with some reluctance and I want my comments to be on the record.

The Chair: You've heard Mr Baird's motion. Are you ready for the question? All those in favour?

Mr Baird: Could I ask for a recorded vote?

Aves

Baird, Cullen, Gravelle, Ron Johnson, Newman, Silipo, Spina, Stewart.

The Chair: The motion is carried unanimously. Next we have the concurrence for Mr Saunderson.

Mr Stewart: I move concurrence on the appointment of William Saunderson as member and chair of the Ontario International Trade Corp.

The Chair: You've heard the motion. Does anyone wish to speak to it?

Mr Stewart: I would just like to make a couple of comments, if I may. I think the experience that Mr Saunderson has had, not only as Minister of Economic Development, Trade and Tourism but also his experience in the private sector, would stand him in good stead for this particular position.

Certainly we have to go out and promote Ontario. Mr Saunderson has that ability, and his track record of cooperation with other institutions, with other governments in his past positions, bodes well to promote this great province. So I'm most pleased to have made that motion.

Mr Cullen: We're pleased to support this particular appointment. Moving from the ministerial position, which sets policy, to actually implementing policy is a very interesting evolution. We know Mr Saunderson has a tremendous appetite for this area of international trade development. We expect he will put his considerable energies towards this. It seems to me that given both the

government's agenda and Mr Saunderson's appetite, this looks pretty well to be a full-time job.

Of course, we will certainly take advantage of the opportunity to raise questions in the House as to how he is doing with his job. We think that's one of the positive things about Mr Saunderson remaining a member of provincial Parliament.

We will leave it up to his electorate to consider, in taking on this full-time position and all the energies that he will put there, how well he will serve his community. It does raise a question in our minds of how these things are going to be balanced, how justice can be done to this important portfolio and to the community that he represents in the House. Quite frankly, we did expect an announcement of a by-election. But that is not the case and we will certainly see how these things evolve and will be able to ask questions in terms of his progress in dealing with this important portfolio in the House.

Mr Silipo: We probably should reassure Mr Saunderson, in light of Mr Cullen's comment, that he won't be required to answer questions in the House. The minister may have to, I guess.

I just wanted to say I'm going to support Mr Saunderson's appointment because at the end of the day, even though we have significant differences about how you attract business to this province, attracting more business to this province is a difficult thing and it's clear to me that this is a job that he relishes and he's going to be able to actually do it with some vigour. That can only be good for the province.

The Chair: Any other comments? Are you ready for the question?

Mr Baird: Can we get a recorded vote, Mr Chair? The Chair: Yes.

Ayes

Baird, Cullen, Gravelle, Newman, Silipo, Spina, Stewart.

The Chair: Thank you for that. It's carried unanimously.

Is there any other business? As you know, we have no other certificates awaiting us at this point, so we'll see at the end of this week if we get more.

Mr Baird: Efficient management by our Chair.

The Chair: I don't take any credit for that. We'll see whether there are more and await a call for a meeting. Thank you all for that. We are adjourned.

The committee adjourned at 1127.

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First Session, 36th Parliament

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Standing committee on government agencies

Intended appointments

Assemblée législative de l'Ontario

Première session, 36e législature

Journal des débats (Hansard)

Mercredi 10 décember 1997

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 10 December 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 10 décember 1997

The committee met at 1008 in room 228.

COMMITTEE BUSINESS

The Chair (Mr Floyd Laughren): The first order of business is the subcommittee report dated November 27. Could we have a motion to accept that subcommittee report?

Mr Bert Johnson (Perth): I will move it.

The Chair: Mr Johnson has moved acceptance of the subcommittee report. Is there any debate? Carried? Carried.

There is the subcommittee report dated December 4. I await a motion.

Mr Bert Johnson: I will move that one too.

The Chair: It has been moved by Mr Johnson. Carried? Carried. Thank you, Mr Johnson.

The third item of business is an anticipated motion concerning the subcommittee.

Mr R. Gary Stewart (Peterborough): I will move that one.

I move that the following substitution be made to the membership of the subcommittee on committee business: Mr Grimmett for Mr Baird.

The Chair: You've heard the motion. It doesn't require a seconder. Any debate? All those in favour? Carried. Thank you for that, Mr Stewart.

INTENDED APPOINTMENTS GORDON PETERS

Review of intended appointment, selected by third party: Gordon Peters, intended appointee as member, Ontario Judicial Council.

The Chair: The next item of business is the intended appointments. The first one is someone known to some of us for many years: Gordon Peters, to the Ontario Judicial Council.

Mr Peters, welcome to the committee. We are pleased you are here this morning. Make yourself comfortable. It is traditional that if you wish to make any opening comment you are welcome to do so, after which each caucus will have 10 minutes to ask you questions if they so desire. Do you have any opening comments, Mr Peters?

Chief Gordon Peters: My name is Gordon Peters. I come from a community called Moravian of the Thames,

which is located in southern Ontario. I grew up in the community and lived there until I was about 18 or 19 years old.

I have done extensive travelling. I have worked with a lot of communities across Ontario and Canada. I have travelled internationally to deal with other indigenous peoples and their relationships with other state and national governments, which is part of my responsibility and I work along with the Assembly of First Nations.

I come here today with the understanding that there will be some questions about my ideology, perhaps, some of the roles I have played and some of the thinking I have about where I see the Ontario Judicial Council being.

I will stop it with that, Mr Chairman, just a short introduction about some of the things I have participated in during the last few years.

The Chair: Thank you, Mr Peters. Do the government members have any questions or comments to Mr Peters?

Mr Bert Johnson: No, I have no questions right now.
Mr Bill Grimmett (Muskoka-Georgian Bay): Could

we pass and perhaps reserve our time, Mr Chair?

The Chair: Yes, you may. Can we proceed to the official opposition?

Mr Michael Gravelle (Port Arthur): Good morning, Chief Peters. I am curious. This is an interesting appointment to the judicial council, obviously a body that basically deals with the behaviour of the judges in the court system. How did the appointment come about? Did you seek out the appointment or did someone introduce the possibility of the appointment to this particular council to

Chief Peters: The idea was approached to me. I did not seek any particular avenue for any kind of appointment. I was asked if my name would stand in relation to the Ontario Judicial Council and I agreed to do that.

Mr Gravelle: If I may ask you your thoughts on the justice system in Ontario and the judicial council itself, are there some particular goals you have or things you want to achieve when you become a part of this council? Obviously, it's an interesting spot to be in.

Chief Peters: Yes, I do. I think if we go back and look at all the kinds of records that are kept in relation to indigenous peoples and their interaction with the law, we will find that a lot of our people are constantly dealing with the judicial system in respect to the provincial court. I think there is not a lot of knowledge about the Ontario Judicial Council. There is not a lot of knowledge among

our people about how that might be used to be able to deal with some of the ongoing issues they have. I take it as an opportunity to help educate the people on the Ontario Judicial Council as well as an opportunity to educate our own people about some avenues that might be available to them to remedy some of the situations they find themselves in.

Mr Gravelle: So you view it as part of your role on this body to educate the people of the province, and perhaps the first nations people, as to the process they can go through if they're not satisfied with what has happened.

Chief Peters: That's correct. I think, based on my experience with the first nations communities, I have never heard very many communities ever talk about the Ontario Judicial Council or the role it might play in helping them to be able to deal with some of the situations they have.

Mr Gravelle: Probably a lot of people in Ontario are not aware that the judicial council exists. Certainly, Chief Peters, I think your addition to the council would be a good appointment by this government, and with your background and qualifications I can see no reason to object to it. I applaud the appointment. I wish you the best and certainly look forward to supporting your nomination to this position. Those are all the questions that I have.

Chief Peters: Thank you very much.

Mr Tony Silipo (Dovercourt): Chief Peters, good morning. My apologies for missing the opening part of your presentation. As representative of the party that asked that you come here, I want to first of all be clear about why we did that. It certainly has nothing whatsoever to do with your qualifications and your ability to serve in this capacity or many other capacities.

I have had the pleasure, as have many of my colleagues, to work with you in the past when we were in government, and even before then for some of them. Certainly I've enjoyed very much the working relationship we have had and know of the commitment and dedication you've brought to your tasks in the various capacities in which you've served and to the many different issues that affect the native communities in Ontario.

I owe it to you to explain that in asking for you to come here, we wanted to ask you the question you may already have answered in your last answer, but I just want to put it to you. It's fair to say that we were a little surprised to see not that the government would have approached you for this appointment or any other appointment, because as I say, on the basis of your qualifications and what you could bring, there would be unquestionably no doubt that you could add a lot to the work of a council, in this case the Judicial Council, and in terms of any other body that the government might have chosen to ask you to serve on; the basic question is, in light of what the government has done or not done vis-à-vis the various issues that affect native communities, particularly given the issues that are still outstanding with respect to the Ipperwash situation, why would you choose to serve on a body like this?

Chief Peters: I asked myself that question as well.

Mr Silipo: I suspect you have and that's why I was interested in hearing the answer to that.

Chief Peters: It's not something to which, when I was asked, I put my name forward immediately. As an individual I have spent the majority of my life trying to understand the relationships between our communities and the Ontario government and the federal government and, as I've said many times, the people who have come to occupy our lands. I've tried throughout my time to make a very significant stand in relation to how I view those kinds of relationships. It's no different with this particular government that we see in front us right now, the Conservative government.

I have advocated, for example in the case of Ipperwash, that an inquiry be held so that everybody will know the truth. I've advocated in relation to the restoration of our lands and the recognition of our treaties. I've done those with every government I've dealt with in the time that I have worked, starting with the Davis government right through the Liberal government and the NDP government as well.

For me, going into this position, which I saw as kind of a senior position, I thought it would be another way of being able to deal with a number of issues I would like to see being able to proceed. One, first of all, is that there needs to be an understanding of the behaviour of judges in relation to indigenous peoples and the understandings that are required by people to know. There are a lot of decisions that are made by provincial judges, especially in relation to family matters within our peoples, and they have no idea what it is in relation to the extended families that our communities have.

All of these things are simply based on laws that have been put in place to try to deal with our communities. You have to have a more operational understanding of that, a functional understanding about how we operate as people. I thought I would be able to bring that to this.

The other part that's important for me is that one of the things I'm trying to do right now is instil within our own communities the value of going back to ways to resolve disputes ourselves in our communities without having to turn to another body, in particular the provincial courts or federal courts, to resolve our decisions.

This will give me an opportunity to say that yes, I know how some of these things over here function. I have a great understanding of how these things can work and where they can benefit us or where they can't benefit us. My recommendations will be very clear in terms of what our communities can do to help ourselves in respect of conflict resolution as opposed to turning to these institutions that historically have not been favourable to our people.

1020

Mr Silipo: Thank you very much, Chief Peters. I certainly will support your appointment to this body with enthusiasm. I know you will add a lot of wisdom to this body.

Chief Peters: Thank you, Mr Silipo.

The Chair: Are there any questions from members of the government side?

Mr Grimmett: Welcome, Mr Peters. I wanted to ask you perhaps a bit about your background and what activity you've been involved with that might relate to the courts. Do you have much experience in dealing with courts yourself?

Chief Peters: Only from the opposite side of the bench. That's been the majority of my experience, but I have worked for the last 20 years with our people, and I have worked from the side of indigenous peoples trying to find justice within the political and legal systems of Canada, so I have worked with lawyers on constitutional processes. I have been a negotiator at the constitutional table for the Assembly of First Nations. I have been involved in all kinds of legal negotiations over land claim settlements, over attempts to try to deal with jurisdictional recognition for our people.

The law has played an important role in my understanding of how people view the relationship we have, and as a consequence to that, I've had quite a bit of interaction with the court system and with the entire justice system

provincially and federally.

Mr Grimmett: As I understand it, the council's duties are really in two categories. One deals with new appointments to the provincial bench and the other deals with complaints that are brought against provincial court

judges.

Under the legislation, the idea of having a performance review for the judges currently is discretionary, but there is Bill 130, which was a private member's bill brought forward by Mr Ouellette, the member for Oshawa, in the current legislative term which suggested that those performance evaluation programs for provincial judges should be mandatory. Do you have any thoughts on the person in your position, if you're on the council, whether that should be an annual event that you would review the performance of provincial judges?

Chief Peters: I've only had time to receive the information in that respect. I've gone through it and I've given it some thought. I have thought about the independence that's required by the judiciary to be able to operate. I've also thought about the accountability that's required, and I'm trying to figure out how to balance that off because I haven't had time to really proceed through and try to make an evaluation of how that would affect the independence at this point in time. I haven't really established a position

myself about how that might be done.

I certainly see the debate that goes around the issue and I recognize that there will be probably in the future a time when I will have to make a decision in respect of my position on that. At this point in time I haven't reached a decision yet about whether I believe that it should be mandatory that the evaluation of judges take place.

Mr Grimmett: I certainly welcome your appointment. I think you can bring an awful lot of expertise and certainly a fresh perspective to the council. I want to thank you for accepting the offer that was made to you.

Chief Peters: Thank you.

The Chair: Anything further from the caucus? If not, Chief Peters, all three caucuses have supported your ap-

pointment. It's good to see you again and I wish you very well in this new task you've undertaken. All the best.

Chief Peters: Thank you very much.

The Chair: You are welcome to stay, if you wish.

Mr Silipo: Do you want to deal with the concurrence now?

The Chair: Do you want to do the concurrence now while Mr Peters is here? Can we have a motion for concurrence?

Mr Bert Johnson: I'll move concurrence.

The Chair: Mr Johnson has moved concurrence in the appointment of Mr Peters. Does anyone wish to debate it? If not, all those in favour? It's carried unanimously. Thank you very much. That is done.

BRIAN MERRETT

Review of intended appointment, selected by official opposition party: Brian Merrett, intended appointment as member and chair, Niagara Parks Commission.

The Chair: The second intended appointment this morning is Mr Brian Merrett to the Niagara Parks Commission. Mr Merrett, we welcome you to the committee.

Mr Brian Merrett: Good morning.

The Chair: Good morning. Make yourself comfortable. Do you wish to make any opening remarks?

Mr Merrett: Maybe just a few to introduce myself. Currently, I'm the regional chair of Niagara, completing my second term. I guess about 4 o'clock tomorrow afternoon the new chair will take office. I've been in that position for six years, a member of regional council a total of 12 years; prior to that, an alderman in the city of Niagara Falls for seven years. I live in the city of Niagara Falls. I've been involved in the community.

Specific to the Niagara Parks Commission, I have been a commission member approximately seven years, four years as an alderman and three years as the regional council representative, so I have an understanding of the operation of the Niagara Parks Commission. With that, Mr Chair, perhaps I'll stop and be available for questions.

The Chair: Thank you, Mr Merrett. We'll begin this round with the official opposition, Mr Bradley.

Mr James J. Bradley (St Catharines): Welcome to the committee, Brian. It's nice to see you here.

Mr Merrett: Good morning, Jim.

Mr Bradley: I should tell the Conservative government members that when the local newspaper phoned to say, "Do you think that Mr Merrett got this appointment because he's a Conservative?" I said they would look at the merit of Merrett, and Mr Merrett has many of those, you'll be happy to know. He did an excellent job as the chair of the regional municipality of Niagara.

Mr Merrett, the concern, as you know, is the controversy over what kind of development is going to take place in Niagara Falls. The Niagara Parks Commission has done an outstanding job over the years in preserving the natural attributes of Niagara Falls. When we compare Niagara Falls, Canada, to Niagara Falls, US, many people look upon ours as being much more positive.

There are now proposals coming forward which the mayor of Niagara Falls I think endorses and some others, that there be far more high-rise hotels around, that may mar the skyline and change the character. What would your view be on that?

Mr Merrett: Mr Bradley, as you are aware and mentioned, there is a great deal of interest right now as to the development pressures along the escarpment on the brim of the Falls area. I guess I'll take it from two points of view. First of all, philosophically I believe that the Niagara Parks Commission has a trust that they have to protect the Falls and the park area, and it has done so for 112 years. I'm very much a traditionalist as to what the parks commission has done in the past.

But as you also know, I'm very pro development and it's certainly an interesting problem for us to have in Niagara Falls and for the Niagara Parks Commission to deal with, that developmental pressure that is happening.

David Crombie has been appointed to act as a mediator, to come up with some alternatives and ideas. I had an opportunity in my position as regional chair to meet with him about a month ago and he has come up with some very interesting concepts that he is planning to bring forward to the commission and to the city of Niagara Falls.

Personally, I believe there are ways we can have some first-class, tastefully done development along the brim of the Falls without there being an intrusion into the park. I think there are some creative things that can be done. I look forward to that challenge as being one of the very first issues the parks commission and the city will have to deal with.

1030

Mr Bradley: I think that Mr Crombie was a good choice, by the way. I think Mr Crombie has an outstanding reputation here in Toronto and has done several pieces of work for the provincial and federal government and I'm certainly encouraged to hear that the commission will be looking very carefully at Mr Crombie's recommendations.

The Niagara Parks Commission, I have been informed, does not come under the jurisdiction of or answer under the Environmental Assessment Act, which surprised me. Previous commissioners have expressed that concern. Do you believe that the work carried out by or developments under the auspices of the Niagara Parks Commission should be subjected to the Environmental Assessment Act?

Mr Merrett: I look back at some of the development that they have done and, correct, it does not come under the act, and whether legislatively it does or not, I think there's a responsibility for them to carry out that process and to have the public input and to have everyone aware of what they are doing. As far as changing the legislation, that could happen, but I think they have a responsibility to react that way anyway.

Mr Bradley: In terms of the Niagara Parks Commission and all commissions of this kind and the accounting practices, do you think there's any need to improve accounting practices that have taken place? I know the last commission dealt with the issue of — I'm not saying

anything sinister or anything. As you know, just simply, all organizations have a different way of internal accounting. It's a lot of cash, because the parks commission deals in a lot of cash as opposed to others that may deal in invoices and cheques and so on. Do you think there's a way of improving the accounting practices, with all the cash that changes hands?

Mr Merrett: I'm not aware of a problem in the past, but certainly any accounting procedures can be improved and looked at. I know there are some efforts, some further automation that they're looking at in their accounting system, which I've read in some of the material, but I've not had a chance to study it that closely yet, Jim, to give you an exact answer.

Mr Bradley: I recall that the previous Chair, whom you are succeeding, was in fact, I think, an accountant as well as a business person and there may have been some observations by members of the commission that because you deal with a lot of cash, any organization that deals with a lot of cash, it's really difficult, it's a challenge to have internal auditing. As I say, I've never seen any problem. I don't know of any problem that exists, but I think every organization is looking to tighten up.

Mr Merrett: I am aware, Jim, of the amount of cash they handle because one of my summer jobs while a college student was actually counting that cash in the cash office.

Mr Bradley: The Niagara Parks Commission again has perhaps some responsibilities that could be extended. Do you see the Niagara Parks Commission extending its responsibilities to other areas in the Niagara Peninsula or working perhaps in closer cooperation with the Niagara Peninsula Conservation Authority in preserving that which is near Niagara Falls?

Mr Merrett: Certainly I see the role of the parks commission expanding in a couple of areas: in the area of dealing with the conservation authority, the Welland Canal parkway. In the Moriyama study, the 100-year plan, it talks about the park expanding to the Welland River. As you know, there's the Welland Canal master plan that has been put in place. I think there could be a role for the Niagara Parks Commission in that strategy. I also see them becoming much more involved in the overall marketing of Niagara. They have done a good job so far, but I see, as we become a binational destination, that the parks commission can have a greater role in that area as far as the promotion of Niagara is concerned.

Mr Bradley: It's very fashionable today in many quarters to talk about the privatization of anything that moves, and that which doesn't move. I once saw a story somewhere that the Niagara Parks Commission — I don't know whether any of the government members might know this, but I saw somewhere that it was at least under consideration for privatization. Would you be in favour of privatization? Do you think this should be retained by the government of Ontario, the commission being part of the government of Ontario in a certain sense, arm's-length of course, for the good of the people, or would you see its being privatized as being desirable?

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Mr Merrett: I guess we look at all services that are provided by the Niagara Parks Commission, and certainly I go back to that public trust that the commission has as far as protecting its lands is concerned. But I think you have to look at every service that's delivered and find out if it's being done cost-effectively. I point to the partnership the parks commission has now with the Maid of the Mist Steamboat Co, which is a private company that operates that attraction and does an excellent job of it. I don't see there being a wholesale privatization of the Niagara Parks Commission, no, but I point to that successful partnership with the Maid of the Mist company.

Mr Bradley: If privatization were to take place — I'll say "Heaven forbid" in parentheses - how would you ensure that friends or people in high places were not those who would receive the benefits of the privatization? How would the commission be able to ensure that simply people in influence would not have a leg up on others in terms of privatization? That's always a concern when there's privatization.

Mr Merrett: There would have to be a process in place to deal with any privatization if it happened. If it did occur, I would expect there would be a very public process that would take place, as they do with purchasing other services now.

Mr Bradley: Do you think that the present method of appointment of people to the Niagara Parks Commission is an appropriate one, or do you see any improvement? I know there are some municipal appointments and there are some appointments that are made by the provincial government. Do you see any change in terms of the mix that's on there, or do you think this works well now?

Mr Merrett: Looking at the current membership, I think there's a good balance of background and geography of those who are there, some with business experience, some with other experiences in the community. On balance, I think the process has been okay.

Mr Bradley: Do I have any more time? One minute? Okay.

Do you see any further relationship in terms of coordination and cooperation that can be affected with people on the other side of the border, since Niagara Falls appears to be a destination for both Americans and Canadians? We try to get people to come over to Canada, of course. Do you see any further cooperation with the American side to accentuate the positive aspects of Niagara Falls?

Mr Merrett: We've been involved over the last two years with the concept of "Niagara attracting the world," which has brought together representatives from Niagara, Ontario; Niagara Falls, New York; Buffalo; Erie county and Niagara county to put together a joint marketing plan. The past chair of the Niagara Parks Commission was involved with that, as I was in my capacity as regional chair. I see that expanding. I see developing a relationship with the Canadian consulate in Buffalo to do more marketing and more cross-border cooperation.

We've seen an excellent relationship develop with the new mayor of Niagara Falls, New York. He's anxious to work with us. I've had discussions with Ed Rutkowski from the state parks department, who again is anxious to meet and to work on some joint ventures. I really have seen a change over the last four or five years where it's now time to realize that Niagara as a destination has to be marketed worldwide. The bridges are only something to cross the water.

Mr Bradley: I thank you; I wish you well.

The Chair: Mr Silipo, do you have any questions?

Mr Silipo: I don't actually have any questions. Mr Merrett, I see that you bring a lot of expertise and a lot of useful input into this body. You obviously have the experience from both your present position and the past work that you've done. I certainly will be supporting this appointment.

Mr Tim Hudak (Niagara South): Good to see you again, Mr Merrett. Congratulations on hopefully soon being appointed to this position.

I can say with confidence Mr Merrett did an excellent job as chair of the Niagara region; very professional approach, very competent approach through some difficult times. The region as a whole's loss is the commission's gain, I anticipate.

Of course also the parkway and the Fort Erie area, the residents of Fort Erie would say, hasn't had the attention in the past that's been dedicated more so to the Niagara Falls and Niagara-on-the-Lake area. Do you see the commission advancing the Fort Erie area, to put it directly?

Mr Merrett: I know in the past there has been some work done by the commission in looking at land acquisition and other matters to further enhance the parkway and Fort Erie. The mayor has already had a chat with me about getting together to talk about projects with which the commission and the town could be involved. I look forward to whatever we can do to enhance the parkway and the amenities in the Fort Erie area, as with the whole 35 miles of the parkway.

With the expansion to the Peace Bridge and the discussions of that, there'll be a role the commission will more than likely play in that whole process too.

Mr Hudak: Excellent.

The Chair: Any other questions, comments? If not, Mr Merrett, thank you very much for coming before the committee. We appreciate your attendance here and we wish

Are we ready for the concurrence of Mr Merrett's appointment?

Mr Bert Johnson: I'd move concurrence in this appointment.

The Chair: Mr Johnson has moved concurrence in Mr Merrett's appointment. Is there any debate? All those in favour? It's unanimous. Thank you very much for that.

Is there any other business for the committee? If not, we are adjourned.

The committee adjourned at 1041.

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Mr Floyd Laughren (Nickel Belt ND)

Vice-Chair / Vice-Président Mr Tony Silipo (Dovercourt ND)

Mr Alex Cullen (Ottawa West / -Ouest L)
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Substitutions / Membres remplaçants

Mr Tim Hudak (Niagara South / -Sud PC) Mr Derwyn Shea (High Park-Swansea PC)

Also taking part / Autres participants et participantes

Mr James J. Bradley (St Catharines L)

Clerk / Greffier Mr Douglas Arnott

Staff / Personnel

Mr David Pond, research officer, Legislative Research Service

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Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 4 February 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 4 février 1998

The committee met at 1008 in room 228.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr Tony Silipo): I'd like to call this meeting of the standing committee on government agencies to order and ask us to please first go through the various reports from the subcommittee that we have. They're listed on the agenda, reports 1 through 5, if we could deal with those.

I'd appreciate a motion either taking them all in one motion or individually, as you prefer — sorry, 1 through 4, because number 5 is actually what we're here to do following from one of those reports. Is there a motion to adopt the subcommittee reports?

Mr Alex Cullen (Ottawa West): Yes.
The Vice-Chair: Thank you. Any discussion?
All those in favour? Opposed? Carried.

INTENDED APPOINTMENTS

MICHAEL CARUSO

Review of intended appointment, selected by official opposition party: Michael Caruso, intended appointee as member, Ontario Casino Corp board of directors.

The Vice-Chair: Item 5 is a half-hour review of the intended appointment of Michael Caruso, intended appointee to the Ontario Casino Corp board of directors.

Mr Bill Grimmett (Muskoka-Georgian Bay): Mr Chair, on a point of order: As a member of the committee, I'd like to request a deferral of this matter. I believe standing order 105(g)6 allows me to do that.

The Vice-Chair: Can you just give me a second to confer with the clerk.

Mr Grimmett, that was my understanding as well, but the clerk has just confirmed you certainly can, if you wish, defer the decision on whether or not to concur with the appointment, but you cannot defer the whole item. In other words, we do need to go through with having the presentation from Mr Caruso, having any questions that may be asked. When we come to dealing with whether or not we have concurrence, at that point you or any other member of the committee, if you so wish, has the option under the rules to ask that the matter be deferred for up to

seven days, I believe it is. So we can deal with that at that point.

Mr Grimmett: So that's the clarification on standing order 105(g)6, that when it says "the consideration of one or more of the intended appointees," we would just defer the decision?

The Vice-Chair: That's right. I can tell you that's certainly the way in which it's been applied here before. I remember one instance where as a member of the committee I made that request, and it was done at the time we were actually discussing whether or not to concur with the intended appointee.

Mr Grimmett: Very well. Thank you.

The Vice-Chair: Can we then proceed? Mr Caruso, welcome to the committee. The procedure, as you may know, will give you an opportunity to make any opening comments you may wish, and then we'll give the representatives of the three parties an opportunity to ask you some questions. We have half an hour in total to do that.

Mr Michael Caruso: Thank you, Mr Chairman. First I'll deal with a little bit of my personal background. Then I'll deal with my background within the community in which I live, then my professional background, and then lastly what I feel I could contribute to the Ontario Casino Corp.

I'm 62 years old, married for 33 years, and have five grown children. I've lived in the Markham-Thornhill area for 30 years. Within the community I've been involved in minor hockey and minor baseball both as executive and as coach for many years, approximately 20 years. I've been involved in community operations, with setting up residences for deaf-blind persons in Ontario, first in the Brantford area in the early 1980s and then later on in the York region area in the last eight to 10 years.

I've also been involved with an organization that's connected with Villa Charities, known as Vita Community Services. Vita Community Services serves approximately 98 disabled residents and has day programs for approximately 130. My CV that is in front of you is a little bit behind in that area, which I have spelled out on page 3. That CV is about a year old, and since that time the homes in Vita have risen from seven to 13.

With respect to my professional background, I was called to the Ontario bar in 1964 and have practised in the Ontario area, specifically in the York region and north Toronto areas, since that date. I have worked as a trial lawyer basically 90% of the time, and a great deal of that

time has been in construction area law. I have also been a member of the Canadian Bar Association and the Metropolitan Toronto Lawyers Association, with membership in other community operations. I believe I could be of assistance as a director of the casino corporation because of my background in those various areas.

I am familiar to some degree with the Ontario Casino Corporation Act, I have a passing knowledge of the Gaming Act, and I am used to dealing with CEOs and managers in my dealings with the various community organizations that I've been involved with for a number of years. Also I believe I am familiar with budgets, policies and procedures being set up in order to run organizations. I'm not familiar with the policies and procedures of the Ontario Corporations Act, but if I was appointed to that board, I would know what they are and then I could give you a little further explanation as to what I would think were pitfalls with that. I haven't seen those documents, so I couldn't tell you. But I have that experience, and I think that because of that background, I could be of assistance to this corporation. I'm aware of the mandate and the objects of the Ontario Casino Corp.

Those are generally my comments. If you have any questions, I'll try to answer them.

Mr Cullen: Mr Caruso, I want to compliment you on your CV. Anyone who survives 20 years of hockey league politics has been in real politics as far as I'm concerned.

I'm interested in gaining an appreciation of your understanding of the future of this corporation. What is your understanding in terms of what future this corporation has in terms of expanding services and expanding locations?

Mr Caruso: When I look at a casino operation, and from what I understand and what I've read in the press—and I had some information pulled up from the various Web sites before coming here—there are some really good benefits, I think, to the province in, firstly, raising revenue, generating revenue for the province of Ontario and in creating jobs.

From my understanding, and I could be wrong on these figures, I think employment in the Windsor area has always been a problem for this province. I had gone to school there for three years and I know what problems they faced. From what I can see, I think they employ some 3,000 people in the Windsor casino operation.

In the Rama area, I've been to that casino and I know they employ about 3,000 or 2,500 people there. The casino also, I think, has contributed towards building residences for seniors and building an arena and a water sewage plant.

I'm not too familiar with whatever has come out of the Niagara casino, what local benefits have been raised there, but I would assume, having been to that casino and seen how busy it is, that it employs a lot of people who live in that area. I think those are the benefits. That's the plus side of having these casinos.

Mr Cullen: Do I take it from your comments that you would see the future expansion of casinos?

Mr Caruso: I don't know whether that's the mandate of the board. I don't think it's the mandate of this board. I think it would be the mandate of the government to decide that. Looking at the structural setup in the Ontario Casino Corporation Act, I don't think that's up to the board of directors. I think they just basically oversee it and see that it is run properly with whoever their contracts are with. That's my understanding of it.

Mr Cullen: I'm from Ottawa-Carleton and we're familiar with the casino in Hull. The casino in Hull, because of the clientele that's attracted to casinos, the disproportionate number that come from low-income situations and the disproportionate number of pathological gamblers, has set up not only codes of access but a registry, the equivalent of a Gamblers Anonymous, so they can turn away people who have indicated voluntarily that they suffer from a gambling disorder or those people who have caused problems either to themselves or to their families. Do you believe this would be a sensible thing to do to ensure that we aren't dealing with people or attracting people who cannot control their compulsion to gamble?

Mr Caruso: I don't know whether that's the mandate of the board of a casino operation. I haven't seen their policies and procedures. I haven't seen their bylaws. That is a very good question. I think the Ontario Racing Commission at one time had some kind of policy dealing with people entering racetracks, of people's backgrounds who shouldn't be in there. I don't know what policies and procedures they have for the operation of the four casinos in Ontario. I'm not familiar with that.

Mr Cullen: If these policies aren't there, do you believe that they should be there?

1020

Mr Caruso: I would like to review it.

Mr Cullen: We'd like something a little more encouraging. I know the community is very concerned. I'm sure you're aware that throughout Ontario there is quite a debate about the role of gambling. In the communities that held referendums over charity gambling clubs, there was very, very strong opposition, notably from two sectors. There was certainly strong support from those who saw the dollar signs of economic activity which you have outlined, but there was also strong opposition from the charities that would see their money being siphoned off mainly it goes to the government, but it's less money for them — and also from the agencies that serve the poor and the vulnerable, because it is their clientele that provides the disproportionate share of the clientele that goes to gambling casinos. That's why it's an important issue, about expansion and about the role the casino would play in terms of what kind of clientele it would attract. That is an important issue. I am interested in hearing more of your views about this.

Mr Caruso: First of all, I understand the area you're talking about is not within the purview of this corporation; I think that's under the Gaming Control Act. I understand that the way these mini-casinos operate now, there have

been problems with them. I read that in the paper some time ago.

I can drive up Bayview on my way home from work and I can see two, three of those at various arenas and various little places. I don't know who the operators are. I would hope that by having another setup they've got better controls over who's operating and running those minicasinos.

As far as making people vulnerable to these and depriving charities of that funding is concerned, I can tell you right now, from my personal experience in negotiating funding for the disabled, that any time I've had to go to any of the governments for funding, we've never been turned down. I can tell you that under your government, under Mr Sweeney, where we originally set up these homes and where we were at times running very close to budget lines, when we were running deficits we were always covered. That happened with all three governments.

Mr Cullen: We're talking about over \$1 billion.

Mr Caruso: I can tell you right now that money, the way it was before, wasn't very satisfactory because they ran casinos and it was like 10% of the take went to the charity, which I don't think is satisfactory. My understanding is that, as it now stands, whoever is running the local casinos take 90%. I may be wrong on that.

Mr Cullen: There's a problem about \$1 billion worth of money that the government is taking and of course giving back in terms of income tax cuts, but that's a story for another day.

Mr Caruso: I don't know that.

Mr Cullen: I am very concerned. You're talking about simply managing a corporation, so you don't really see the decision for expansion or a recommendation coming from the corporation for expansion; you're not aware if there are any roles in terms of dealing with the clientele who come but you think it would be important to review that, certainly to meet community concerns about the appropriateness of, say, people receiving family assistance spending it at a casino. There is a major concern about that.

Mr Caruso: Sir, I understand that the four casinos that are presently operated are in areas where approval was received from those areas. That's my understanding, and that's the board that I would be serving on.

Mr Cullen: In other words, you would not support expansion into a community that would not want it.

Mr Caruso: Of the large casinos. The mini-casinos, I don't know how they're being operated at the present time. From my experience, which is limited, in organizations that have drawn off of these casinos, to receive only 10% of what was coming in and 90% going to the operator I didn't think was satisfactory.

Mr Cullen: I would agree with you.

Mr Caruso: I don't know the new setup on this.

Mr Cullen: That's right.

Mr Caruso: You're asking me an area I don't know about.

The Vice-Chair: Mr Cullen, you have a minute left.

Mr Cullen: Okay. I think I'll pass at this point. Thank you.

Mr Peter Kormos (Welland-Thorold): Thank you, Mr Caruso. I've got to tell you, I read the CV and I note that Al Palladini is the minister who referred you to the committee. Basically, he's recommending your appointment. I anticipated coming here and, as from time to time I do, simply indicating that the CV in itself displays all the credentials and God bless.

You may or may not know that I'm no fan of casinos. I don't believe they are effective economic development tools, but that's a different issue and not for you and me to debate here.

Your understanding when you came here today was that you were going to be interviewed by the committee today.

Mr Caruso: Yes.

Mr Kormos: And that there was going to be a decision on the part of the committee about approving Mr Palladini's recommendation.

Mr Caruso: Yes.

Mr Kormos: These are the government members here.

Mr Caruso: I understand that, yes.

Mr Kormos: I'm with the third party; I'm with the New Democrats.

Mr Caruso: I understand.

Mr Kormos: There's only one of us on the committee; there's a whole lot of them. The Liberal members and the New Democrats — well, Mr Silipo, but he's the Chair, so he can't vote.

The Vice-Chair: I'm neutral.

Mr Kormos: That's right, Mr Silipo. So, you see, what happens is that government members approve appointments, inevitably. As I say, in your case, I was prepared to vote with the government members. I can't speak for Mr Cullen, but I suspect he might have as well. So I'm surprised that Mr Grimmett — see, he's with the government.

Mr Caruso: I understand that.

Mr Kormos: I'm surprised that he didn't want to interview you this morning. Were you surprised by that?

Mr Caruso: I just found out about that now.

Mr Kormos: When Mr Grimmett made that suggestion to the Chair?

Mr Caruso: Two minutes before that; I was advised when I was sitting back here.

Mr Kormos: You were told it was going to be a wash?

Mr Caruso: I don't know what the expression "wash" means, but I was told it might be deferred.

Mr Kormos: Did that surprise you?

Mr Caruso: Yes, it did.

Mr Kormos: It's a very rare thing for that to happen. I hope you understand that. I haven't sat on the committee for a few months now, but, gosh, I was on this committee for well over a year. It's very rare that that happens. Do you have any idea why Mr Grimmett wouldn't want to discuss your appointment today?

Mr Caruso: I don't know.

Mr Kormos: On the times when opposition members have made that request — because we have; I think some Liberals have made that request, because it's as-of-right — we've done it because we thought the applicant was reprehensible and not worthy of appointment.

Mr Caruso: I'm sure they don't think that of me. I would hope they don't think that of me. I mean, I don't

know any of them.

Mr Kormos: Yes, I know. I don't think that of you.

Mr Caruso: I don't know you. I don't know anyone.

Mr Kormos: I know.

Mr Caruso: I have met Mr Silipo once, when he was running MCSS.

Mr Kormos: That's right. But what I'm saying is that the only time we've done that is when we've wanted to raise a red flag and prevail upon government members. I remember they had a Mr Seabrook. I remember his appointment to the Niagara Escarpment Commission. We raised red flags. Now, mind you, Mr Seabrook jumped on his own sword in short order.

How is it you came upon the Ontario Casino Corp? Was that something of specific interest to you?

Mr Caruso: No. As you know, I know Mr Palladini, and I was interested in some government work. I picked up a copy of the —

Mr Kormos: The bible.

Mr Caruso: Yes. I looked through that, and I saw two or three boards that I liked in there, that interested me. One was this; another dealt with the review of persons who were incapable of standing trial. There's some committee that deals with that.

I kind of backed off on that because from time to time in my position on Vita I'm called upon by the executive director to deal with issues of residents who get into trouble in the area. She calls me and we talk to the crown or whatever we do. Their decision whether to try that person or whether they're capable of being tried I would think might come before that committee, and I would have a problem with that.

Mr Kormos: A quasi-conflict.

Mr Caruso: I would have liked that. Then I told Mr Palladini I would like this one.

Mr Kormos: Okay. Were there any others you were interested in?

Mr Caruso: No. Those were the basic two.

Mr Kormos: How long ago was it that you initiated this process of applying for this position? How long has this whole process taken?

Mr Caruso: It was before Christmas some time.

Mr Kormos: Of 1997?

Mr Caruso: Yes.

Mr Kormos: So it was November or December of 1997?

Mr Caruso: Around then.

Mr Kormos: I don't think Mr Palladini is your MPP; I'm not sure who is.

Mr Caruso: No. I'm in Thornhill. It's Mr Tsubouchi.

Mr Kormos: Quite right. Quite frankly, I trust — I was going to say I trust Al's judgement — I have some

high regard for his judgement. That's why, as I say, my first response — and I still have no quarrel. Mr Palladini, as an MPP, is perfectly entitled to be, and should be, assisting you in processing the application. Did he in fact do that for you?

Mr Caruso: Yes. I asked him to do it.

Mr Kormos: Okay. With respect to the Ontario Casino Corp?

Mr Caruso: Yes.

Mr Kormos: There shouldn't have been any problem.

Mr Caruso: I don't think there should be either. Quite frankly, not to sound vain, I don't even know why — you know, these things go through without hearings quite often, right?

1030

Mr Kormos: Yes, and in this instance your impression, and again not inappropriately, was that this was done. Mr Palladini signed the appropriate paper because he's the fellow who makes the recommendations. So in so far as you were aware, this was going to be the mere formality today of going through the committee.

Mr Caruso: I was hoping so.

Mr Kormos: Is Mr Palladini in town at the moment? I'd get on the phone to Mr Palladini and find out what the hell is going on. I mean, he's in the cabinet and he made a commitment to you about an appointment to this corporation and you've got some Tory backbenchers trying to kibosh it. Wait a minute.

Mr Caruso: I don't know whether they're trying to kibosh it. I don't know whether that's accurate. I don't know, Mr Kormos.

Mr Kormos: Maybe they've got another appointment

in mind, something with a little bit of a — Mr Grimmett: Maybe we've got another NDP we want to appoint.

The Vice-Chair: Let's carry on.

Mr Kormos: The chair of Ontario Energy Board, that's gone. That one's a wash in its own right.

I would get on the phone to Al promptly to find out what the heck is going on, because somebody's tinkering here. The fact that you only found out about it mere moments before they move a deferral is quite frankly of concern to me. I would get on the phone to Al promptly and find out what the heck is going on, because he made a commitment to you. He should be able to deliver.

Thank you, and again, subject to what the Tories might reveal during their questioning, I think you're a suitable person for this position.

Mr Caruso: Thank you.

Mr Morley Kells (Etobicoke-Lakeshore): Mr Caruso, I was wondering if you could elaborate and give us some detail on your involvement with Vita Community Services. As it mentions here, it's affiliated with Villa Charities. I'd just like to have a better understanding of what that involves.

Mr Caruso: Villa Charities is the umbrella organization under which Villa Colombo, Columbus Centre, Carrier Art Gallery, a whole number of those charitable organizations operate, and one of them that operates under

there is Vita Community Services of Toronto. It was started in 1985-86, in there somewhere. It started out operating residences for physically and mentally disabled persons — "developmentally delayed" is the catchword — and it now operates 13 residences. Some of them are in apartment settings. They're lower to very high functioning persons with physical and mental disabilities, permanent residents. There are also two day centres. One is on Tycos Drive in the city of York and one is in York region. They service on a daily basis about 135 young men and women, and some older men and women. They're fully funded through MCSS.

Mr Kells: So the funding comes through the ministry?

Mr Caruso: Yes.

Mr Kells: Are there any other sources of funding?

Mr Caruso: Villa has some big charitable events every year. Last year they raised quite a bit of money; they had a big grand ball. Every year they have a Venetian ball and then they have various different fund-raising activities. It's a very expensive —

Mr Kells: I realize they're a high-profile organization. I'm just wondering, do they receive any kind of income through charity gambling or any of these per diem, one-time operations?

Mr Caruso: I think they've received some money through the casino that operated at the Exhibition. Other than that, I'm not aware of them receiving any other funding. They do get private donations, and people make donations because they are fairly well-known now.

Mr Kells: I guess it's obvious, the reason for my question. I'm just wondering if there's any kind of connection with their operation, on any kind of annual or even more frequent than annual basis, in regard to money that they get through some connection with previous gambling enterprises.

Mr Caruso: No. They're fully funded through MCSS. Sometimes there's been fund-raising through Villa Charities to raise extra money and for capital projects, but the ongoing funding is fully funded 100% by MCSS.

The Vice-Chair: Other questions?

Mr Grimmett: Yes. Thank you, Mr Caruso. I too am impressed by your curriculum vitae and the information you have on the number of organizations you've provided advice to. My math tells me that you're in your 34th year of practice. Is that right?

Mr Caruso: That's correct, yes.

Mr Grimmett: You indicate that about 90% of your practice has been in commercial litigation and 10% in commercial law.

Mr Caruso: Yes.

Mr Grimmett: So you've probably had the opportunity, I assume, over your career to give a lot of advice on commercial contracts.

Mr Caruso: I have extensive experience in that area of law. I have been involved in many projects in the downtown area, buildings that were constructed by clients of ours who have had problems with them. I have also had, I would say, experience on both sides, in acting for owners

and acting for general contractors and for trades in construction projects.

I can see the problems that arose in the Windsor casino, and I almost know what went wrong there without looking at everything. Once you get into an open-ended contract like that, a cost-plus contract, you're asking for trouble. It's a murderous situation. The general contractor will take good care of you in those situations. Once you start asking for changes and the plans and specs aren't up to what they should be, you've got problems. That's why you have cost overruns.

Mr Grimmett: To say that you could give sound business advice on commercial contracts would be an understatement.

Mr Caruso: I have no problem in dealing with that.

The Vice-Chair: Any other questions from the government side? Then that concludes the questions from the representatives of the three parties. Thank you for coming, Mr Caruso.

Mr Caruso: Thank you.

Mr Kormos: Chair, if I may, I move concurrence.

The Vice-Chair: I was just going to get to that. We are at concurrence. Mr Kormos is moving concurrence. Mr Grimmett, you had indicated earlier that you wanted to ask for deferral.

Mr Grimmett: Yes, I would like to ask for a deferral of the decision. I understand that we would then refer that to the subcommittee, would we, for discussion at that time?

The Vice-Chair: I think this is what happens. I ask the clerk to correct me if I'm wrong in this, but my understanding is that first of all, a deferral of the decision can be requested by any one member of the committee. We don't have to vote on that; it's simply that you make the request and that's what happens.

There is a time line we have to take into account, which is that we cannot defer decisions for longer than seven days. That would mean a meeting again of this committee at the very latest by next Wednesday. We have the additional complication in the meantime that because the House is not sitting, I understand that in order for the committee to sit, under the rules of the House we have to seek the permission of the three whips, so we would make that request pursuant to your request of the committee. I'm not sure if that involves a meeting of the subcommittee. We just do that, do we not? Or is there anything else we would need to do?

Mr Kormos: On a point of order, Mr Chair: I am very concerned about that. If this requires concurrence of the whips for this committee to sit within one week, this request for deferral could be seriously jeopardizing Mr Caruso's appointment to the Ontario Casino Corp.

I moved concurrence, for Pete's sake. I am eager. He's taken time out of his day to be here, to participate in this process. He's been responsive to the questions. Perhaps it's not a valid point of order, but I simply want to indicate my concern at the government members putting this excellent candidate's appointment in jeopardy, because if there isn't concurrence by the whips —

The Vice-Chair: Actually, Mr Kormos, you've answered your own question. It isn't a valid point of order. You're right that you have the right to move concurrence as you have, but Mr Grimmett also has the right to request deferral.

Mr Cullen?

Mr Cullen: Just a couple of things. Just to help things along, I know our caucus will be in town next Wednesday, so that may facilitate things, but I'm only speaking on behalf of our caucus.

Second, I have to assume that with a deferral, the discussion over the appointment occurs at that time. Our party particularly asked for this appointee to be interviewed by this committee because we have some grave concerns about what's happening with gambling in Ontario, so I guess I'll just have to save my comments for that time.

The Vice-Chair: Let me tell you what would happen. The request for deferral of concurrence has been made by Mr Grimmett, so automatically we as a committee have to oblige that request. Subject to the approval of the whips, the committee will then meet. Quite frankly, I don't know what happens. That's something we would have to pursue if the whips were not to agree. I'm assuming they would agree upon a request of the committee. If not, then we have an issue that we would ask the subcommittee to get together on and deal with, if that is a problem.

When we come back to this issue we will have before us the motion from Mr Kormos to concur in the appointment of Mr Caruso, and that would be for debate and decision by the committee at that point.

One suggestion I would just make, and I guess we can sort this out through the subcommittee and with the clerk, is, if the committee is going to meet again, it might be easier if we just did it for next Wednesday, unless that's something we need to work out with the subcommittee. Again, I'm happy to be guided by —

Mr Grimmett: I think the subcommittee should work it out, because I don't know the schedules of the members who might have to come. It's okay for me, but I can't speak for everyone else.

The Vice-Chair: I also have a particular problem in terms of next week being the beginning of the finance committee meetings, so one request I would make is that we try and have the meeting perhaps at 9:30, before the 10 o'clock start of the other committee, but that's something we can sort out through the subcommittee.

Mr Caruso, that's essentially what's going to happen. The request to defer the decision has been made and we'll proceed with that.

Having no other business in front of us, this committee stands adjourned.

The committee adjourned at 1042.



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Official Report of Debates (Hansard)

Wednesday 11 March 1998

Standing committee on government agencies

Intended appointments

Journal des débats (Hansard)

Mercredi 11 mars 1998

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 11 March 1998

Mercredi 11 mars 1998

The committee met at 1010 in committee room 1.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr Tony Silipo): I call this meeting of the standing committee on government agencies to order. We have three intended appointees to review today, but before we do that, we should deal with the subcommittee reports. First on our agenda would be the report of the subcommittee dated February 5, 1998. Could I have a motion dealing with that.

Mr R. Gary Stewart (Peterborough): So moved.

The Vice-Chair: Mr Stewart has moved that. Any discussion? All those in favour? Opposed? Carried.

Next would be the subcommittee report dated February 9. Could I have a motion on that.

Mr Stewart: So moved.

The Vice-Chair: Any discussion? All those in favour? Opposed? Carried.

Mr Bert Johnson (Perth): Mr Chairman, that was the 19th?

The Vice-Chair: That was the 19th, the second one.

Mr Bert Johnson: I thought I heard the 9th instead of the 19th.

The Vice-Chair: You may have. I may have said the 9th; it was the 19th.

The third report from the subcommittee is the one dated February 26. Again, a motion.

Mr Stewart: So moved.

The Vice-Chair: Any discussion? All those in favour? Opposed? Carried.

INTENDED APPOINTMENTS RAY PORATTO

Review of intended appointment, selected by official opposition party: Ray Poratto, intended appointee as member, Algoma, Cochrane, Manitoulin and Sudbury district health council.

The Vice-Chair: We move then to the first intended appointee, who is Ray Poratto, as member of the Algoma, Cochrane, Manitoulin and Sudbury District Health Council. The process basically, as I'm sure it has been explained to you, is that we will have up to half an hour that we'll spend with you. We begin with giving you an opportunity to make any opening com-

ments you might have and then we'll go around with questions from the committee members.

Mr Ray Poratto: Good morning, ladies and gentlemen. My name is Ray Poratto. I'm from Sudbury. My status is a semiretired, private sector small business person; a northern Ontarian, three generations on one side and four on the other.

I was a member of the Manitoulin-Sudbury District Health Council for a little over a year, as a consumer rep. I was attracted to the council from a number of viewpoints: a couple of doctor friends, as well as the fact that I have had a good deal of contact with the health care system over the past 60-some-odd years, having had seven children and nine grandchildren, having cared for aging parents and having been married for 43 years, so certainly I have had some consumer contact with the health care system.

My activities in the community span a great deal of time with service clubs and the chamber of commerce and, at the present time, the seniors' advisory council and a number of others. I hold no office at the present time in any organization in that I'm semiretired.

I enjoyed learning the health care system more intimately in the past year and became aware of the tremendous challenges and was excited by the plans and the opportunities the health care system was leading towards. I also appreciated some of its failings, but most of all, I guess, the excitement of all the changes that are taking place. Coming from small business and the private sector, I watched changes frequently in my affairs, dramatic changes, and it was with a great deal of interest that I watched the changes that are taking place in the hospital restructuring in Sudbury, the goal of better service at a more sustainable cost, so I have had an exciting year and that's the reason I indicated I would be happy to continue.

I'm very familiar and happy with administering change. I guess the only people in town who are enjoying as much excitement are in the education system. I can't play a part in that because I'm pretty busy elsewhere, but I wish I could because they are in the throes of that exciting activity.

I have an indulgence to beg of you. I have a new ear plug on order, so if your questions would come across slowly and well enunciated, I would appreciate it very much. The one that I had was not satisfactory; I fed it to the dog. My wife said I'm not only a little bit hard of hearing, I have a double disability. I challenged her to

name what that other disability might be, knowing full well that I don't have any other, and she said, "You are often a poor listener in addition to being slightly hard of hearing." I could take that. Thank you for inviting me.

The Vice-Chair: Thank you, Mr Poratto. We'll try and go through with the questions in the way you've suggested. We'll start with Mr Cullen.

Mr Alex Cullen (Ottawa West): Welcome, Mr Poratto. I'm glad you're here. As I read the Hansard from the previous session when you appeared before this committee, you entered the district health council in some controversial time. Now you've had more than a year's experience there and I'm just wondering if the controversy has abated any.

Mr Poratto: My experiences with the district health council have been varied. I reviewed and attended a number of the committees that the district health council had, all the way from home care to community access to long-term-care planning, mental health, emergency health services. While I have not studied or reviewed in a great deal of detail any of the committee work, we oversee in a broad policy manner the functioning of the district health council.

I'm pleased to see the amalgamation of the health councils in northern Ontario because I think we have a great deal in common. We'll have more clout with the ministry and we'll probably save some dollars because we will reduce a lot of the duplication and we'll be able to share some of the excellent expertise that is out there.

I was excited when the report was made about the streamlining. I see it as similar to the education business, if you will. So I'm excited to play a part in that and I guess the part that I play is that I bring the lack of fear for change.

Mr Cullen: Just to follow up on your lack of fear for change, there were some significant changes happening in Sudbury with the issue of the lab services, the issue of northern services and as well some of the community proposals for the Sudbury Memorial Hospital. This has caused some division in the health council. How has that sorted itself out? Are the decisions of the Health Services Restructuring Commission going to be able to be met within the original time lines, for example, that they set out? That's not our experience in Ottawa-Carleton. Is that your experience in Sudbury? What does the health council say to that?

Mr Poratto: At the beginning, when I joined the district health council last year, I had a different opinion than the one that was eventually handed down by the commission, to be quite frank with you. As I studied the report and the analysis and laid that against some of the experiences I've had in amalgamations, I came to accept that it was the right way to go.

It is now being illustrated clearly that the large regional hospital in Sudbury to serve the entire catchment area is going to do an excellent job in comparison to the three bricks-and-mortar piles that we had duplicating and creating a lot of confusion and a lot of costs. So while it shocked quite a few people in Sudbury, and quite frankly

some of us in the district health council, we've come to realize that it will provide benefits for patients, cost benefits, and the doctors are happier. It's going to be quite a transition and we're up to it.

1020

Mr Cullen: I'm glad to hear that you're up to it. I guess the concern we're finding across Ontario is that the health restructuring commission's time line is extremely aggressive and requires both ministry initiative and community initiative to make it happen. They can close, but they can't open. They can shut down a facility, but they don't have the ability to put in the replacement facilities that are needed. It's very clear that the Health Services Restructuring Commission intends that the replacement services be in place so that there is a seamless transition. In Ottawa-Carleton we're finding that all the hospital closure deadlines have been postponed, that indeed the community has to find \$47 million to come up with its share of the new facilities as a result of two and a half hospitals being shut down.

I'm interested in understanding, from your perspective, will the health restructuring commission's objectives be met within its current time lines? What is the burden that's going to be placed on the community in Sudbury to pony up their share — at least 30% — of the cost of something they didn't ask for?

Mr Poratto: On the question of replacement services, we are very diligently working on home care and community care committees and alternative service to patients. I just read yesterday where Mr Rock, the national —

Mr Cullen: I was asking about how your health council was coping with the time lines that the health restructuring commission has brought down, the ability to provide the seamless transition in service, because I understand these time lines were very aggressive and require that replacement services be in place by the time the facility closed. My understanding is that there is not the ability to provide this service in time and therefore the closures are being pushed back and the new money that's supposed to go into home care, long-term care, is not being made available because the community has to come up with its share of the funding. Is this a problem that the health council has been talking about?

Mr Poratto: As far as the Sudbury district health council is concerned, we're certainly not going to see people put out of the hospital on to the sidewalk. We have committees working diligently and we have a series of reports to find replacement organizations and home care services that will take the place of those people who are in long-term-care settings in the hospital who don't need what some person referred to as a \$700-a-night bed.

We in Sudbury don't have a great fear that replacement beds will not be available or replacement services will not be available. They're being produced at the same speed that the hospital restructuring shutdown is taking place.

Mr Cullen: When is Sudbury Memorial to close?

Mr Poratto: Within the next year and a half, I understand.

Mr Cullen: That's the original time line that was suggested by the health restructuring commission? The closure of Sudbury Memorial, is that supposed to happen in 1999?

Mr Poratto: Yes.

Mr Cullen: You had mentioned the committees that are working on home care and community care. This is an issue that's also important in my community and elsewhere in the province. Are there waiting lists now for home care in Sudbury?

Mr Poratto: Yes, there's a good deal of home care organization taking place.

Mr Cullen: Are there waiting lists?

Mr Poratto: I can't tell you offhand if there is a specific number. We don't foresee a problem. We don't have a problem with a waiting list. There's no crisis on this question. There's no crisis on emergency health services. There's no crisis on people being phased out of the Memorial Hospital. The doctors and the chief of staff have specifically said that. We had that announcement made just the day before yesterday. The new regional chief of staff indicated that there was no crisis in either of those areas.

Mr Cullen: My very last question deals with the new health council structure and the large territory that it covers and the availability or accessibility of this health council to talk to the residents in the outlying communities, their ability to come to health council and to speak to the needs in their community. Has there been a concern expressed about this larger geographical area and how difficult it is for people to come hundreds of miles to one of your meetings?

Mr Poratto: First of all, when I read the report, or parts of the report, on the streamlining of the councils from 33 to 16, I liked it. I automatically liked it. It sounded good. It sounded like it made a lot of sense. It sounded like it would improve efficiency in that we would have a large district health council that would be reviewing and servicing people from northeastern Ontario who have a lot in common. We have a lot of geography in common and we have a lot of natural resource problems and health problems in common, so I was pleased with it.

I saw the opportunity to perhaps save money from the three administrative organizations, district health councils, so that we could have one better tuned and have some money left over that could be expended elsewhere in other programs and in other expertise that we could bring to northeastern Ontario. I didn't have any problem. I also see the opportunity in a larger health council of having a lot more clout with the minister.

Mr Cullen: No, I'm asking about —

The Vice-Chair: I'm sorry, Mr Cullen, we're going to have to leave it at that. We're just slightly beyond the 10 minutes. We move to the Conservative caucus.

Mr Stewart: Thank you, Mr Poratto, for your presentation. It was interesting to hear that you are not a believer in the status quo and that you welcome change. I think that's what we're talking about in this province today.

But following up on the question you were asked, many of the district health councils in the province wanted to amalgamate and wanted to get together with an additional one, again to try to achieve those savings that they can put back into the system and indeed to the patient. Did your councils, the councils we're talking about, the new ones, want to get together?

Mr Poratto: Did they want to get together with the other councils, do you mean, in Algoma and Cochrane?

Mr Stewart: Yes.

Mr Poratto: I think it's a difficult thing for individual, smaller councils to reach out. They have their own parochial interests, if you will. It's a difficult question to ask them to take the initiative and reach out. It seems to me it's a lot more logical to have someone from an overall view who says, "This would be beneficial. Here is a model that would produce a number of benefits."

I'm not disappointed, in other words, Mr Stewart, that the councils don't individually take that initiative and go to their neighbour and say, "Why don't we get together and share?" I'm not disappointed because I understand that's not uncommon. They're embroiled and occupied in their own activity for their own neighbourhood or their own region. It's a suggestion that has to come from outside.

That's the reason I enjoy playing a part on the district health council, because I can bring that balance of outlook from the small business sector where we reach out all day every day to everyone in order to survive. You know what the mortality rate is, so we are constantly reaching out, looking for more expertise, looking for a sharing of those things. I think it's a good thing.

1030

Mr Stewart: The comments that were made this morning regarding time lines were interesting. Certainly the original mandate of district health councils was to plan. Unfortunately there was a time when district health councils didn't plan; they were to pass or spread the biases of the particular government of the day. It appears to me that they're now back into what they were originally mandated for, the planning part of it.

We've heard much this morning about time lines. If you've been in business, which I assume you have from what you're saying, time lines are of the essence. If, as some governments and people in the past have done, they study things to death and they don't put time lines on, nothing ever gets done. Do you feel that the progress in the amalgamation of these boards and the expertise you bring can more than offset the supposed short time lines we hear of this morning?

Mr Poratto: I'm the first to be impatient on that whole question.

Mr Stewart: Great. I'm glad to hear that, sir.

Mr Poratto: Because of my background, decisions are made and implemented almost immediately. Two of my doctor friends who are on the council said, "It's good to have you there, Poratto, because you're constantly bringing that balance into the equation: 'Let's set some time limit on this; let's set some targets; let's get it done.'"

I don't mean to be critical, but while people from some of the other sectors are perhaps more inclined to study

something to death, we're risk-takers in the private sector. We can't take four years to decide to make a decision; we're dead. We have to move forward. I hope to bring that balance that I have.

Mr Stewart: I appreciate that. I'm a great believer in continuity of service. I'm also a great believer in consistency of representation. I appreciate your coming, sir. Thank you.

The Vice-Chair: Any other questions from the government caucus? Okay. Mr Poratto, that concludes the questions for you this morning. We'll deal with your appointment after we finish hearing the other presenters this morning. Thank you.

VAUGHAN MINOR

Review of intended appointment, selected by third party: Vaughan Minor, intended appointee as member, Alcohol and Gaming Commission of Ontario.

The Vice-Chair: We now call on Mr Vaughan Minor to come forward. Welcome. As with Mr Poratto, we'll give you an opportunity to make any opening comments you wish, then we'll go around and allow committee members to have an opportunity to ask you questions.

Mr Vaughan Minor: Thank you, Mr Chairman and members of the committee. I'm pleased to be here today and I'm honoured that I'm being considered for this appointment. I believe my past experience and my professional training will be most helpful for the very important work the Alcohol and Gaming Commission of Ontario will undertake in the next few years in our province and in our communities.

As you may know, I'm a professional chartered accountant. I received my training with a large national accounting firm and obtained my CA designation in 1975. I was honoured by the Institute of Chartered Accountants of Ontario when I received my fellowship, or FCA, in 1991. I've been in private practice in Ontario since 1977, and today I operate my own sole proprietorship in downtown London.

In addition to my business experience, I served my community as a member of London city council from 1988 until November 1997, when I decided not to seek reelection. I believe my municipal political experience will be very helpful to this board.

I've also served my profession as a member of the Institute of Chartered Accountants council for three years, from 1984 until 1987. In addition, I've served on a number of charitable boards and committees in a variety of capacities. In 1985 I was selected as one of London's Five Outstanding Young Londoners.

I believe my experience and my professional training will assist me in my role on this board. My background gives me the necessary tools to review applications, hear applications and make decisions that are in the best interests of our province and our communities. Should you decide favourably on my application, I look forward to being able to serve on this board and am prepared to answer any questions you may have.

The Vice-Chair: Thank you, Mr Minor. We start with the government caucus.

Mr Joseph Spina (Brampton North): Mr Minor, thank you for coming and applying for this position. This is an interesting and challenging commission before this province. There are a number of changes that have begun, a number of changes that will be occurring over the next few years, both from private and public sector, consumer pressure and also with the direction of the government.

Some of the challenges are not just in gaming control but also with respect to alcohol liquor licensing processes. As an example, I received a complaint from an operator of a restaurant-bar who through an overlooked situation ended up having an illegal bottle in his establishment. The inspector quite rightfully charged the operator. He had no problem with that. His complaint was that there's no grey area, there's no fine system. If you're found guilty, which he essentially admitted — but it was an oversight as opposed to a deliberate situation, as everyone seemed to agree — nevertheless, his licence was revoked for the period of a week. He felt that in addition to the fine he paid, that was a very severe penalty for what was admitted by everyone to be an oversight.

Would you be an advocate, shall we say, of a more graduated system, where you have an operator in the alcohol environment who generally has been a consistently good operator — honest, fair, played by the rules — of modifying the penalty system rather than purely you're either licensed or you're not? Would that be a fair situation that you might consider?

Mr Minor: With my business experience, consensus-building is always something I try to promote. In a situation like that, with the legislation the way it currently is, that would be something the government of the day would have to review. My understanding is that the board or the commission can make recommendations. I think situations like that should be at least reviewed and looked at. We should be rewarding the people who are complying with the rules appropriately, and not unnecessarily penalizing them. That could be a recommendation from the commission if they so desired, and the government can maybe take action.

Mr Spina: In your experience, and you have some considerable experience in finance and controls and so forth, the bulk of this really is enforcement and so on, I gather, in terms of the commission?

Mr Minor: Correct. That's my understanding.

Mr Spina: Do you feel that some of your experience contributes solidly to this role?

Mr Minor: I think it can, especially in a situation where an application is being reviewed for some improprieties from a financial point of view or a record-keeping point of view. I know the act is quite specific. The records have to be kept for a certain period of time, although I believe it's less than the time required by the Income Tax Act, so it's a little more lenient. However, I think my experience and professional training and background would assist the commission in assessing those types of situations. I believe it could.

Mr Cullen: Thank you, Mr Minor, for coming here to-day. The question I have deals with the larger issue. Your background is in municipal politics. You know very well that there's very significant resistance among municipalities to the introduction of, for example, VLTs and charity gaming clubs. You're going to be in the business of regulating this, but we can anticipate, as you well know, when ratepayer groups want to push something off, they will seek every venue they can get so that their politicians reflect the will of their communities. You're going to be there dealing with an application that comes from someone who qualifies under your rules, but coming into a community that does not want this activity, for a whole host of reasons. How do you see your role in this?

Mr Minor: Our role is to enforce the legislation that's in place. My understanding is that municipalities that have indicated their unwillingness to have one of these gaming clubs will not have one forced on them. There are communities in the province that have indicated a desire. One that's very close to London got approved just this week, Grand Bend, so there are communities that are rethinking it. But the board's role is to regulate and enforce, not to make policy or have any input that way.

1040

Mr Cullen: I come from a municipal background; you come from a municipal background. We know people — I'll use a strip club or I'll use a triple X video store — who come in and the community seeks to use every venue, whether a site plan, whether it's zoning, whether it meets the regulations as set out under the act and which you are charged with enforcing. When they come forward, obviously there are standards to be met before you award a licence

Mr Minor: That's correct.

Mr Cullen: You're going to have a community before you. Are you just going to throw up your hands and say, "Well, too bad, talk to your MPP," or are you going to be sensitive to their concerns about what happens when this facility comes into their community?

Mr Minor: As I said earlier, I think the commission's role is to enforce the regulations, to make sure everything is done legally and with some integrity, and I believe there has to be some social responsibility as well, but our role is not to make policy or to force —

Mr Cullen: No, I'm not suggesting that, but you know exactly what I'm talking about here.

Mr Minor: There will be public groups in a lot of municipalities. I believe there were over 70 municipalities in the last municipal election, including my own, that decided they didn't want to have them, for a variety of reasons.

Mr Cullen: Yes, including my own.

Mr Minor: My understanding from what I've read to date — and I don't know everything about this just yet — is that the minister has said they will not be forced on communities that have indicated they don't want them. So if a council votes against them, I don't think that will be a problem.

Mr Cullen: Hopefully not. But the lure of this money, particularly for a government that needs revenues, not

only to balance the budget, but to finance an income tax cut, I think is proving a great temptation. Certainly the previous governments had come to it after having taken a position otherwise.

Your background with municipal politics: Where the community wants to come forward and challenge an application, I have to assume that there's a public hearing process, that there's due process, that there's an opportunity for the public to intervene and present its views on the issues before the commission.

Mr Minor: That would be my understanding, that there would be a public process.

Mr Cullen: There is the notion of regulation, but there is also the role of the commission in actually providing the service, if that's the right word, under the commission. There's an issue here of separation between regulation and the actual ability to provide service. These are the government casinos you are going to be responsible for. Is there not a conflict that you are both the regulator and yet the agent that's going to be authorizing a service the government itself is going to be receiving revenue from, that it has an interest in having out there because it's counting on this revenue?

Mr Minor: My understanding was there were steps taken last week to separate those two functions. There's no question that the group that's looking after the operations of a facility should not be the same group that's regulating it. It's the same as in the accounting profession. I don't know what your background is, but you don't want to have the same person who is writing the cheques doing the bank reconciliations — standard, every single client gets the same comment in every single year in all the management letters — because that's not a good division of duties. This is the same situation, in my view anyway. I think the regulator should regulate and adhere to all the rules, make sure it's handled properly and honestly, and let the other side, the business end, be handled by the other agency. I agree with you.

The Vice-Chair: There being no other questions, thank you, Mr Minor, for coming forward.

We move then to the third intended appointee on our schedule for today and call Mr Joseph Mavrinac, intended appointee as chair of the Ontario Realty Corp.

While he comes in, do you want to deal with concurrence in the first two? We are a couple of minutes ahead of schedule, so we'll give Mr Mavrinac a chance to come in

Could we then go back and deal with Mr Poratto? Is there a motion?

Mr Spina: Motion to appoint Mr Poratto.

The Vice-Chair: Mr Spina is moving concurrence in the appointment of Mr Ray Poratto to the Algoma, Cochrane, Manitoulin and Sudbury District Health Council. Any discussion on that? All those in favour? Opposed? Carried.

With respect to Mr Minor, is there a motion?

Mr Spina: I move concurrence in the appointment of Mr Minor to the Alcohol and Gaming Commission of Ontario board of directors.

The Vice-Chair: Any discussion?

Mr Cullen: Just very briefly, I think that in the comments Mr Minor made, bearing in mind his background as a chartered accountant, of the separation of the role of operation and regulation, he alluded to something I'm not aware of, that there's some announcement coming down in terms of the structure of the commission and the exercise of these responsibilities. But you can't be both judge and jury and that's a very important principle. I do hope his words are being taken seriously by the government side. Coming from his background in chartered accountancy, I think that just trebly underlines the import of his words.

Mr Spina: I appreciate the comment, Mr Cullen. In fact the government did make that initiative, if you'll recall, a week ago by appointing the responsibility to Management Board Chair Hodgson, and the regulatory issue remains under corporate and consumer relations, Mr Tsubouchi.

Mr Cullen: I'm going to ask for credit for my caucus. I'm going to enjoy pursuing this with my opposite number. Jim Bradley, eat your heart out.

Mr Spina: By all means.

The Vice-Chair: It may make for a more interesting discussion in terms of question period discussions in the Liberal caucus. We'll see.

Any other comments? On the motion by Mr Spina for concurrence in the appointment of Mr Minor, all those in favour? Opposed? Carried.

JOE MAVRINAC

Review of intended appointment, selected by official opposition party: Joe Mavrinac, intended appointee as chair, Ontario Realty Corp.

The Vice-Chair: We move on to Mr Mavrinac. Welcome. I believe you've been here before and you're familiar with this process. We'll give you an opportunity to make any opening comments you may wish and then we'll ask committee members to ask you any questions they might have.

Mr Joe Mavrinac: Thank you very much, Mr Chairman. I do have a short opening statement. I would like to thank the committee for having me here today. I appeared before you a year ago and I was pleased that you at that time supported my intended appointment as director of the Ontario Realty Corp unanimously. I have served in that capacity to the best of my ability. I took my responsibility seriously, attended all meetings and found the experience to be a challenging and rewarding one.

The Ontario Realty Corp has a straightforward mandate. It is the province's accommodation and real estate service agency for ministries. It sells surplus government lands publicly at market value and it balances ministries' real estate needs against the government's overall objectives.

Tremendous change has taken place within the governance of the ORC. The government recognized the need to involve private sector real estate experts to manage assets in a more businesslike manner. ORC was established as a separate crown agency with a private-sector-dominated board of directors, a president and CEO who is not a civil servant — John Bell comes to ORC with impeccable credentials and reports directly to the ORC's board — and a memorandum of understanding that clearly spells out the roles and responsibilities of the minister, the chair and the board of directors, and the CEO, as well as administrative and financial arrangements.

The corporate plan highlights the strategic issues that require attention and new performance standards, goals and targets such as reducing operating costs, increased efficiency of space use, accelerated land sales, and outsource of direct delivery of accommodation services such as facility services and technical consulting services to achieve savings of \$80 million over the last six years.

Last week, cabinet confirmed ORC's move out of the OPS, enabling ORC to become self-sufficient as a fee-based agency, and ORC to earn facility management fees, project management fees, real estate transaction fees and asset management fees. All assets are to be owned by the Management Board Secretariat and the new governance structure, including the memorandum of understanding, outlines the relationship of MBS as owner and ORC as its exclusive agent. Legislation will be introduced in the House this spring.

The position for which I am being reviewed here today offers me a great opportunity to utilize the experience I have gained delivering government services over the many years as an elected municipal official. I understand the important role that real estate and accommodation can play in good government, and above all I bring to the table a regional perspective.

The Chair: Thank you, Mr Mavrinac. We'll start with the Liberal caucus.

Mr Cullen: Thank you, Mr Mavrinac, and how do you find retirement from municipal politics? That's not the purpose of my question at all, but you had such a long career in municipal politics that it must be a bit of a transition.

Mr Mavrinac: I find it quite relaxing. It's amazing how fast the phone stops ringing. My wife doesn't miss that at all.

Mr Cullen: Perhaps that's something some of us might look forward to. I served on the city of Ottawa and regional council.

I'm interested in your perspectives. You said you served on the board of the realty corporation for a year, and obviously the government likes your performance because they're promoting you. But you said it has been a challenging time. Perhaps you could describe to us what that challenge was. Was it the challenge of dealing with the downsizing, the 30% target in reducing government leases? Perhaps you could give us some detail on this.

Mr Mavrinac: It was challenging because naturally we have to meet government objectives and the whole nature of the exercise is to reduce costs, to make the whole operation much more efficient, much more cost-effective, and producing a better product and not reducing services.

That is a challenge. It was a challenge at the municipal level and it's a challenge here.

Mr Cullen: In terms of the targets, how far are you along in reaching that 30% target?

Mr Mavrinac: Some of the targets that we've outlined in the corporate plan, the accelerated sale of land — I think in 1997-98 it was \$60 million and in 1998-99 we're planning \$120 million. That's why we have to have expert real estate agents out there. We have to make sure we give them the proper incentive to do these things: compensation, commissions, just like the private sector does. They have to go out there and make deals to make sure the corporation and the government get the best bang for the buck.

Mr Cullen: In terms of becoming self-sufficient as a fee-based business, this assumes the charging back of market rents towards the government agencies, the more efficient use of lands. This would have to assume therefore that in some circumstances some leases would expire and one would have to go to the market to find a more economically — these are the kinds of skills that you're looking for, the kinds of skills that the corporation will need?

Mr Mavrinac: I think what we have to look at is BOMA's standards in relation to accommodation for the amount of space required for each of our staff, and if we reduced that to that standard, we could move a lot of people from the high-rent districts of Bay Street and Bloor Street and move them in here, at Queen's Park. Naturally, it will take work to change the whole configuration of a floor or a building, but if that was done, I'm sure it would cost millions of dollars, but in the same light at the end of the day we would save millions of dollars. We'd probably get the return on that in a matter of two or three years and there would be billions of dollars saved over the long run.

Mr Cullen: The change in the status of the Ontario Realty Corp: Does this mean you would still fall under the Provincial Auditor's purview? You know that, not the last one but the one before, the Provincial Auditor's report, there were comments made about the performance of the Ontario Realty Corp. So does the change in your status affect the ability of the Provincial Auditor to make sure that taxpayers' dollars are being properly spent?

Mr Mavrinac: I think we still have the whole structure. We come under Management Board Secretariat; the minister is the individual we report to. We have to be accountable to that minister. All of the financial statements go to that minister, and I'm quite sure that in the overall picture the auditor will have an opportunity to look at those statements and make comments.

Mr Cullen: The red tape review that a colleague of mine from the Ottawa-Carleton area is heading up lists your organization among the other agencies for review, and of course the government has an agenda towards privatization. Please don't misunderstand me, but could you tell me how long your appointment is?

Mr Mavrinac: I have no idea. Mr Cullen: It's indefinite.

Mr Mavrinac: Last year when I was appointed I knew that it was a three-year term, but as chair I can truthfully say I don't know. I didn't ask.

Mr Cullen: In terms of being the public's trustee of lands and offices that taxpayers pay for, can you comment on the notion of privatization? Have you gone as far as almost being privatized? Is there still a need to have some means of public oversight to make sure that taxpayers' dollars are —

Mr Mavrinac: The whole process of outsourcing all the services, as stated in my opening comments, is going to mean a tremendous saving of I think \$80 million over five years. We've done that at the municipal level. I've gone through this now for the last seven or eight years.

Mr Cullen: But why not Cadillac Fairview? Why could Cadillac Fairview not manage the portfolio instead of your organization?

Mr Mavrinac: Because at the end of the day there is going to be a tremendous saving. That's the reason for the initiative.

Mr Cullen: So you don't support the notion of giving over the whole operation of Ontario Realty Corp to a private organization like Cadillac Fairview.

Mr Mavrinac: Requests for qualifications are going out and the employees will be able to bid in a joint venture between employees and whoever is out there who wants to bid on those contracts. We're not putting up any obstacles. After we've shortlisted the request for qualifications, the request for proposals will go out. That's the process. Right now we're hung up because there is a grievance at the policy level. That was heard on February 27, and a decision will be made I think at the end of March, before we proceed. Everything right now is on hold.

Mr Spina: Welcome, Mr Mavrinac. I'm pleased to see that you survived the Kirkland Lake hospitality suite last night at the prospectors' mining convention. I saw you from the other end of the room but I didn't have a chance to say hello, so I do that now.

Just to clarify, it's my understanding that the chairmanship is a three-year appointment from the time that it takes place, for your information, so you're not going to be a senator, Mr Mavrinac, and we fully expect your attendance thereby, as opposed to others.

However, you have been a long-time passionate promoter of the north. You alluded to it briefly at the end of your comments, about bringing a regional perspective to ORC. Could you elaborate on that a little bit, please?

Mr Mavrinac: The north is an area that is very unique, and we have to make sure we improve customer service. I think what we have to do is link the ORC to the regional service delivery restructuring initiative so all of the services will be the same right across the province. That will be a big step forward.

Mr Spina: Fully two thirds of provincial assets are outside of urban areas.

Mr Mavrinac: That's right. I was just going to say that two thirds of the assets are outside of the GTA. A lot of people forget about good old northern Ontario and its uniqueness. I never have.

Mr Spina: That's great to hear.

There are a number of government buildings, as a result of restructuring over the past few years, not just the past couple of years, that are finding themselves vacant or not fully occupied. What would be your method of addressing some of the utilization occupancy rates of these buildings?

Mr Mavrinac: I think this matter was discussed. I discussed this with the president. I would feel very comfortable in the next two or three years if we could move everything owned by the province, especially in this downtown Toronto area, around Queen's Park, and get them out of third-party leases, if that accommodation becomes available and those moves are made. That way you're much more efficient and cost-effective for the government.

1100

Mr Spina: Thank you, Mr Mavrinac. I wish you well. I think one of my colleagues has a comment.

Mr Stewart: Just a comment, Mr Mavrinac. It's nice to hear that the business perspective is working its way into the Ontario Realty Corp. I'm a great believer in it. In the area I represent, we have a brand-new building and we're getting some fairly heavy concern by some of the private owners down there whom the province has been leasing facilities from for many years, because we're moving them into our own facilities. For the life of me, if I owned a building and a few businesses, I don't know why I would lease from somebody else when I had vacancies within my own operation. In your opinion, how do we deal with this? How do we make sure that the public is aware of what we're trying to do?

Mr Mavrinac: I think it's a matter of education. I'll give you a good example in my backyard, Timmins. We had that facility down in South Porcupine, acres of empty space, and here we were renting in downtown Timmins. Finally, we're starting to move everything in there. For the first time in about 20 years, that building is full, being utilized properly. You have all the government services under one roof and you have one-stop shopping, so to speak. Naturally, as you would imagine, it was not received favourably, but it has to be done.

I think Peterborough is another area; Sudbury is another area. We're going to have to address those, but we just have to tell the people it's their tax dollars we're spending, and at the end of the day those taxes are going to be less if we move out of those third-party leases.

Mr Stewart: I couldn't agree with you more. The other comment you made is that there is an area for outsourcing in a lot of different groups and organizations, and if we are going to create those efficiencies, I think we have to at least be prepared to look at them. There's a lot of expertise in the private sector that I believe government should take advantage of, whether it be through outsourcing or whatever.

Mr Mavrinac: Using my municipality as an example, we didn't have to wait for governments to tell us we weren't getting any more money, because once a mine or a sawmill closes, you have a situation that immediately affects your assessment, affects your overall budget. We

started in Kirkland Lake and we outsourced our two sewage treatment plants to OCWA, outsourced our maintenance and janitorial services, snowplowing at the airport, landfill, garbage pickup. We've gone through this; I've lived this now for the last seven or eight years. This is like déjà vu going through this. It's just another level. I'm quite familiar with the whole process.

There again, at that level it's much more difficult because it's your neighbour that you're going to tell that he's going to have to fight for the job with the new service provider. You're going to have to explain to him. It's not like you people down here — I shouldn't say that, because you have to go back home once in a while — but at the local level it's much more difficult to implement a lot of these changes. It was done and we managed to not increase our taxes by more than 1.5% over the last five or six years, even when millions of dollars were cut back. That's how we did it.

Mr Stewart: I admire municipalities that were prepared over the last three or four years, and many of the ones that looked towards the future were certainly prepared; they could not rely on funding from the province and have prepared to do so. I compliment you on it, and certainly some of the other municipalities. The unfortunate part of it is that it has been such a way of life for so long that it has made it very difficult for municipalities to prepare or to believe that this was happening. So I compliment you on this.

The Vice-Chair: Any other questions? Thank you, Mr Mavrinac. That concludes questions from the committee.

Can we move then to the issue of concurrence?

Mr Spina: I move that Joseph Mavrinac be appointed as chair of the Ontario Realty Corp.

Mr Cullen: I would be pleased to support the nomination. There's no doubt that Mr Mavrinac brings excellent skills to this position.

I do have some comments to make about the changes that are going to be happening at the Ontario Realty Corp. We're learning today that indeed the corporation is going to change, become self-sufficient as a fee-based business and in effect contract out its operations and allow some or all of its employees to bid on this. Obviously, if they can compete with the private sector, they will be able to buy back their own jobs, but traditionally the experience we've had in my community is at a loss of salary and a loss of benefits. How that is seen as progress I'm not entirely sure. Certainly it's savings to the taxpayer on the one hand but not to the community on the other. However, that's the direction that has been given to the Ontario Realty Corp.

I am concerned as well about this whole notion of — I asked earlier, and you heard my question, why not simply give it to Cadillac Fairview? Mr Mavrinac didn't bite on that one. He certainly wasn't in favour of that. In essence, what's going to happen is that Cadillac Fairview will be a bidder and will take over the operation of the government's holdings, say, in the megacity of Toronto. So we lose the staff, they have their people, they run around and do it, they manage all those leases, at which point the

Ontario Realty Corp becomes simply a coordinator of those people who have bid on the management contract and the private sector will actually do the hands-on management.

There will come a time when we will have the Provincial Auditor's report coming back to us talking about the ability to oversee their management practices, the ability for these ministry offices or government offices dealing with all the complexity of different providers. The Ministry of Health will have a number of different providers because it's spread out across the province. We will not have one-stop shopping. We will not be able to go to the Ontario Realty Corp. We'll deal with Cadillac Fairview in Toronto, Minto in Ottawa, and I don't know who else is out there because the whole process will be complex. It's being seen as, "We'll privatize, we'll contract out the operation and let the private sector do it." Well, why not cancel the whole damn thing entirely?

The reason the Ontario Realty Corp was created in the first place was to centralize and coordinate the government's leasing accommodation concerns and have the economies of scale as a result, and to do it not as an additional cost to the taxpayer but as a reduced cost, because we're not in the business of providing profits to the private sector. They provide services, and if it's efficient for us to go out to the private sector, then we do it.

In my community we do it in garbage but we don't do it in police; we do it in road construction but we don't do it with libraries, and there's a reason for these things. I'm just cautioning this committee that the road the government is going down here in the context of providing for more efficiencies, providing a bigger bang for the buck, to get government out of the business that other business should be in, takes you around in a circle.

You have to realize that 30 or 40 years ago there wasn't an Ontario Realty Corp and it was in the hands of the private sector. Each ministry went into each community and leased directly. When you look at the accounts from the public accounts committee, when you look at estimates, when you look at the whole notion of how the Ontario Realty Corp came about, you are forgetting history and dooming yourselves to repeat it. That will be the epitaph of this government, indeed among many others. I think there's competition to write on the tombstone of this government, but that will be one of them.

Mr Spina: It ain't going to be for a long time.

Mr Cullen: It's there in terms of welfare, because you're forcing municipalities to pay more when they went bankrupt during the Depression over the cost of welfare. That's a bigger picture issue, but just on the small piece issue here, why was the Ontario Realty Corp created? It was to co-ordinate and use economies of scale to protect the public's interest in providing accommodation and provide services.

Mr Bert Johnson: I have a little different recollection of why the Ontario Realty Corp was established. I don't want to be provocative, but as I recall, it was done to unload debt from the province's books on to a different corporation. Mr Cullen and I have —

The Vice-Chair: I have to remind myself, Mr Johnson, that I'm supposed to be neutral as Chair. It's very hard, but I will do my best.

Any other comments? On the motion for concurrence, all those in favour? Opposed? Carried.

Thank you, Mr Mavrinac.

That concludes our business this morning unless there's anything else. Thank you.

The committee adjourned at 1110.

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Tuesday 31 March 1998

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Mardi 31 mars 1998

Standing committee on government agencies

Subcommittee reports

Intended appointments

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 31 March 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 31 mars 1998

The committee met at 1010 in room 228.

SUBCOMMITTEE REPORTS

The Vice-Chair (Tony Silipo): I'd like to call the meeting of the standing committee on government agencies to order. As you know, committee members, we have a full agenda in front of us, so let's go right to item 1, which is the report of the subcommittee on committee business dated Thursday, March 12.

Mr R. Gary Stewart (Peterborough): Agreed.

The Vice-Chair: Moved by Mr Stewart. Any discussion?

Mr Alex Cullen (Ottawa West): I don't know if it's this set of minutes or the next set of minutes, but I have a question on the candidate who cannot be here today and is being postponed to another date, and what transpires if that candidate doesn't appear. I can't remember the date.

The Vice-Chair: What we have done on that, and it's probably useful to have it on the record — that's with respect to Mr David Arnill, I believe. That March 12 report deals with all the intended appointees we are reviewing today, with the exception of Mr Arnill. Because he wasn't able, there was a request made for unanimous agreement, which is required for us to call him after the 30-day time line has passed. That agreement I gather has been reached, so our intention is that he be scheduled in front of the committee for April 15.

Mr Cullen: Has it been confirmed that Mr Arnill will appear on April 15? What happens if there is another problem? I'm not looking for trouble, mind you. It's a genuine concern.

Clerk of the Committee (Douglas Arnott): The committee's request has gone to the three party whips, who will have to agree to that meeting date for the committee

Mr Cullen: That wasn't the question. I understand

The Vice-Chair: You're asking if something happens for that day.

Mr Cullen: That's right.

The Vice-Chair: We'll have to deal with that at that oint.

Mr Dominic Agostino (Hamilton East): Mr Chair, on the same point: The concern I have on this is if the gentleman, and clearly out of the appointees, there's a great deal of controversy around this one, and I'm not suggesting any of this is intentional, but if the gentleman

cannot attend the next meeting as well, do the rules that we work under simply allow the government to appoint this individual without his ever having to appear before this committee?

The Vice-Chair: Mr Clerk, can you enlighten us on what happens procedurally? Are we in a situation where in effect we're still in the unanimous consent provision, or what happens?

Clerk of the Committee: I believe the committee would want to discuss its options as to whether it still wished to call the witness if the witness was not able to appear that day.

The Vice-Chair: Mr Agostino, we can check the rules again and maybe before the day is over, if you wish, give you a more precise clarification of what actually is our understanding of the rules. But certainly at this stage, my understanding is that we have as a committee done what is necessary to express unanimously our sense that we want Mr Arnill to appear and that, despite the time line, because he wasn't able to be here today, we want him to come and we're accommodating his schedule in this case because he is out of the country or out of town. The understanding is that he will appear on April 15. If that situation were to change for whatever reasons, then we would deal with it.

Mr Agostino: Mr Chair, for the record, I want to make it clear that if this gentleman does not appear on April 15, I certainly hope and suggest that the government members look at that and look at the opportunity there and, for lack of interest, that that appointment be rejected. Clearly I don't think it's appropriate for an appointment to go through without the gentleman even appearing before the committee once there has been such a strong request I think, at least from the two opposition parties, to have the gentleman here.

The Vice-Chair: Can we proceed then on adopting the subcommittee report dated March 12? All those in favour? Carried.

The next report is the subcommittee report dated March 19. There's a selection there for the Ontario Securities Commission, David Brown, by the official opposition party. Any discussion on that? All those in favour? Opposed? Carried.

That particular one, I understand, would be scheduled for —

Interjection.

The Vice-Chair: Sorry, that was moved by Mr Cullen. I just wanted to note that that would require a meeting of

the committee by the 8th, I believe. I know there was some discussion about whether there could be agreement to schedule that review as well on the 15th, but that puts us again into unanimous agreement beyond the 30 days, and I gather the preference from the government side, Mr Grimmett, is to proceed on the 8th.

Mr Bill Grimmett (Muskoka-Georgian Bay): Yes, that's correct. It has to do with the timing of the commission as well.

The Vice-Chair: All right, then, that's what will happen.

INTENDED APPOINTMENTS JACQUELYN FRASER

Review of intended appointment, selected by official opposition party: Jacquelyn Fraser, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Vice-Chair: Let's proceed to the actual reviews that we have scheduled for today. We begin with Jacquelyn Fraser. Ms Fraser, welcome to the committee. The process, as you probably know, is that we have up to half an hour to spend with you. We will start by giving you an opportunity to make any opening comments you may wish to make and then we will go around and give each of the three caucuses an opportunity to ask questions.

Ms Jacquelyn Fraser: I'd like to take a couple of minutes to give you a brief background of my experiences so far which I think have prepared me to be a good candidate for the Niagara Escarpment Commission.

I grew up on a dairy farm just east of the escarpment near the town of Georgetown. After graduating from high school, I went to the University of Guelph, where I took my bachelor of science in agriculture, majoring in resources management. This major focuses on topics such as environmental science and land use planning. During my undergrad years, I worked a number of summer jobs ranging from cold water stream rehabilitation to soil conservation education.

After completing my undergrad degree, I went on to do my master's also at Guelph in land resources management. My thesis topic focused on quarry rehabilitation, and I did my research at the Milton quarry, which is operated by Dufferin Aggregates, just north of Milton on the escarpment. I studied the viability of using pond fines, which is a byproduct of their processing operation, in their rehabilitation plans.

After completing my MSc in 1996, I worked for the university in public relations for a year and then joined ESG International, which is an environmental consulting firm based in Guelph. This company deals with a wide range of clients, from municipalities to oil and gas pipeline companies, provincial and federal ministries and private developers. At ESG I've been primarily involved in environmental assessments and route selection for oil and gas pipeline projects as well as public consultation and agricultural impact assessments. I will hopefully also be

working on one or more quarry or pit rehabilitation projects this summer and into the future.

I feel my background has prepared me to be an asset to the Niagara Escarpment Commission. Having grown up in the area, I have a true appreciation of the escarpment and all that it has to offer. I hike and bike and ski and run on the escarpment land and even did my MSc research there and have also worked there. My formal academic training and work experience are all in the area of environmental land use planning, which I think is one of the most essential skills a Niagara Escarpment commissioner should have. I'd be very honoured to serve on the Niagara Escarpment Commission and I am very excited about this opportunity. Thank you.

The Vice-Chair: We begin questions with the Liberal caucus.

Mr Agostino: Ms Fraser, welcome to the committee. As we look over the application and the work that you currently do, I just want to understand this. You are a consultant to private sector companies —

Ms Fraser: Private sector as well as government.

Mr Agostino: — that deal with the aggregate industry.

Ms Fraser: Yes, that's one of our client sectors.

Mr Agostino: Have you done much work so far, representing the private sector or as a consultant to the private sector, with regard to any development or work along the Niagara Escarpment?

Ms Fraser: Have I so far?

Mr Agostino: Have you represented companies or been a consultant to companies —

Ms Fraser: That have a proposed development on the Niagara Escarpment?

Mr Agostino: Yes.

Ms Fraser: No. I've only been with the company for year and it's been primarily with oil and gas pipelines.

Mr Agostino: Based on the fact that obviously being a consultant, particularly to the aggregate industry, that would clearly be a link to the volume of proposals on the Niagara Escarpment, do you see the difficult position you'd be in, that in a sense there would be a benefit not necessarily only to yourself but to individuals such as yourself who are consultants in that field when applications come before the Niagara Escarpment Commission that you have to deal on? Frankly, for your business or businesses such as yours to continue to do well, companies have to continue to get work and have to continue to do work along the escarpment and other areas. Do you see that as a difficulty or a problem that could be posed for you from the point of view that clearly it could be perceived that there's a conflict there when ruling or judging on applications?

Ms Fraser: Around that topic again, if my company was involved in any applications on the escarpment then, yes, I would clearly declare a conflict of interest and I wouldn't vote on that application.

1020

Mr Agostino: Do you see, though, that you'll bring any biases towards that because of the work you do—and I am not suggesting in a malice sense or a sense of

personal gain — but do you not see a bias being there because the work you do is clearly with companies whose interest is to develop and applications that go to the commission have to be approved for those companies to do well? Even if it's not your own company, do you not see a bias towards the industry and a bias towards the development of the escarpment rather than the protection of the escarpment?

Ms Fraser: No, I wouldn't say so, because in environmental consulting your job is to not be biased and to look at it objectively. Our clients are not only the private developers, they're also the municipalities that may be developing green plans or federal agencies as well. So, no, I don't see that as being a problem.

Mr Agostino: How important do you see the balance? At the end of the day, if an application came down to a toss-up between the damage it could do to the escarpment and environmental protection and it was basically the same, weighted evenly on both sides, where do you think you would lean towards an application approval?

Ms Fraser: I think I personally would lean towards environmental protection. That's been my training and that's been a part of me growing up. That's something that's always been important to me.

Mr Agostino: But you're not concerned at all about the fact that others on the board or the community as a whole may see that there is a conflict from the point of view of your professional background and the companies you represent, although you may declare conflict from a company that you personally have business with or your firm has business with? Do you not see a perception of a conflict there that may put you in a difficult position?

Ms Fraser: No. If my company is directly involved, then I wouldn't be —

Mr Agostino: Again, because your client, someone, may not call you in until they've had an application approval, at which point they could be potential clients once they've had the application approved and then require someone to come forward — I mean, it's not a personal thing. I don't know you, I'm not questioning your integrity whatsoever, but I think the perception with this particular board and commission and the way I see it shifting towards a very much pro-development mentality rather than a protection mentality of the escarpment is a real danger for a perceived conflict among other board members and among the community as a whole when applications come forward. That's clearly the concern I have. It's not a reflection on you personally, but it's a concern I have with an appointment with this type of background.

Ms Fraser: I'm not concerned with that at all, no.

Mr Gilles Pouliot (Lake Nipigon): Good morning, bonjour. Welcome, Madame, and I echo the sentiment of members of the committee to your dedication, your willingness, to serve the common good through an appointment. Tell me, are you now or have you ever been a member of a political party?

Ms Fraser: No, I haven't.

Mr Pouliot: Have you ever made a contribution?

Ms Fraser: To a political party? I have no money, so no.

Mr Pouliot: You have no money. Is that what you said?

Ms Fraser: Not very much.

Mr Pouliot: I can reciprocate. I can assure you that — Mr Derwyn Shea (High Park-Swansea): Point of order. I want that put to a vote immediately.

Mr Pouliot: I'm not here to play the poverty game.

More important, from May 1997 to the present you've been working for, my notes say, Ecological Services Group, formerly Ecological Services for Planning. You still occupy that tenure as a consultant?

Ms Fraser: That's right, yes, I do. I just got on full-time at Christmas.

Mr Pouliot: They have a rather long history of representing aggregate producers, don't they?

Ms Fraser: Yes, they do. That is one of their clients.

Mr Pouliot: I see — the fascinating world of gravel. In 1980 in fact they made a presentation against the Niagara Escarpment. Do you intend, if appointed, to keep that tenure?

Ms Fraser: To keep my job? Yes, I do.

Mr Pouliot: So it's possible to serve two masters?

Ms Fraser: To serve — sorry?

Mr Pouliot: Two masters, two bosses, if you wish, to address two mandates: that of the people who pay you for your services and that of the people who reward you by way of an appointment.

Ms Fraser: I really don't understand that there's such a conflict there.

Mr Pouliot: It's a potential conflict, is it not?

Ms Fraser: I think it would depend on the projects that come up along the way.

Mr Pouliot: If the people you work with, who you work for, who pay your wages, asked you to represent them, you would have to say, "I'm shutting the door, because today or tomorrow we have a meeting that will address this concern, and since I have you as an employer, what I would do is just declare a conflict, I would abstain from voting and I would not participate in the discussions leading to the decision-making"? You're quite comfortable you could switch the light on and off that way?

Ms Fraser: I think there's going to be such a wide variety of issues coming before me in the next three years that, quite frankly, it would be a very small proportion, if any at all, that involve my company.

Mr Pouliot: I appreciate the confidence. Do you see yourself abstaining quite often?

Ms Fraser: I don't believe so, no. My particular company isn't involved in that much.

Mr Pouliot: Not all that much, so you would be full-time.

Ms Fraser: Right now we're not involved in anything. Mr Pouliot: So you would be a full-time participant.

Ms Fraser: Of the commission? Yes.

Mr Pouliot: Madame, I must ask you this: Do you know any of these people?

Ms Fraser: Yes, I do.

Mr Pouliot: How did you find out about an appointment coming up? I read the sports section of the Toronto Sun and that's pretty well the limit of my reading of the newspaper. How did you find out? If I were to read the Sun, I'm not likely to know that they're soliciting for appointments on the Niagara Escarpment Commission. How would I find out? How did you find out?

Ms Fraser: Mr Chudleigh phoned me and asked if I'd be interested.

Mr Pouliot: Mr Chudleigh, MPP, called you?

Ms Fraser: Yes.

Mr Pouliot: He said: "There's an appointment. Would you give it consideration"?

Ms Fraser: He was familiar with my background and thought I'd be suitable.

Mr Pouliot: I should be so lucky. I publish my phone number, I have calling cards and no one calls me.

That's all I have. I thank you.

The Vice-Chair: Over to the government side.

Mr Ted Chudleigh (Halton North): Thank you, Mr Pouliot. It's always a pleasure.

Ms Fraser, do you have an ongoing business relationship with Dufferin Aggregates, for whom you did the study on the reclamation of their plant?

Ms Fraser: Not at this point, no.

Mr Chudleigh: There isn't any continuing relationship or continuing business associated there, so if they had an application before the commission you would not be in a conflict there?

Ms Fraser: That's right.

Mr Chudleigh: I believe, without being so indiscreet as to ask your age, that you will be perhaps the youngest person to be appointed to the commission. I'd like to point out to the committee that it has been my experience that young people in our society are far more concerned about the environment than perhaps those of us who have spent a lot of time on this planet and perhaps have grown accustomed to some of the abuses that have been heaped on the planet. As such, I would look forward to your decisions on the escarpment as being from the youth perspective. After all, the Niagara Escarpment does belong to all the people of Ontario, not a concise group.

Your biases and conflicts have been well aired here and I would congratulate you on defending yourself well in those areas.

During your reclamation study on the Milton quarries—for the information of the committee, the Milton quarries include that gap that goes through the escarpment which you can see from the 401 and which perhaps began the whole process of developing the Niagara Escarpment Commission and the Niagara Escarpment Planning and Development Act. The quarry of the day was beginning to work away on the face, which would have scarred the escarpment forever and permanently. During your reclamation work, was there any suggestion that gap should eventually be filled in, during that reclamation process?

Ms Fraser: I didn't hear anything about that, no; not in my experience. They've put a bridge over it now for the

Bruce Trail, so you can still go through there on the Bruce Trail. But I didn't hear any word of that at all.

Mr Chudleigh: Good. Thank you very much for attending today.

1030

The Vice-Chair: Any other questions from the Liberal caucus? Yes, Mr Agostino.

Mr Agostino: I want to go back; I'm not sure if I have it clear.

The Vice-Chair: Mr Chudleigh?

Mr Chudleigh: Excuse me. I don't think we used the entire time for our caucus.

The Vice-Chair: No, you didn't. That's why I asked if there were more questions. None of the caucuses used the entire time. That's why I'm allowing —

Mr Chudleigh: I thought when we passed the questions were over. Could we ask the clerk for a ruling on this?

The Vice-Chair: My understanding is the half-hour is divided up three ways. With the time the intended appointee takes being taken out from the government side, my sense would be to give up to that time to each of the caucuses. If people have questions they want to ask as a follow-up, that's fine. You still have time left, so you can come back.

Mr Chudleigh: We'll reserve our time.

The Vice-Chair: Yes, absolutely. Mr Agostino.

Mr Agostino: Just to go back again to the point: I think it really is a key concern here. It's not your background, in my view, your expertise, your commitment to the environment; it is the potential conflicts of interest that could exist.

What you're telling us is that in regard to your company, the company you work for or your own potential clients, you're willing to give those up for the sake of a \$100-a-day appointment, of meeting 10 or 12 times a year. You're willing to give up consulting contracts, potentially, and your company is willing to give up potential consulting contracts that would obviously bring your company and yourself much greater income than the \$100 a day you will get serving on this commission.

You're suggesting that your company and yourself are very comfortable with that, and that if that came to it, you would give up what could potentially be a very lucrative consulting contract with a company in order to be able to serve on this commission.

Ms Fraser: How would you see that a consulting contract—

Mr Agostino: I guess what I'm trying to get at is, do you see a problem with — you declare a conflict, which is fair. The commission you sit on passes an application and then you or your company would do the work to implement that plan as a consultant to that particular company, even though it may not be in the best interests environmentally in the protection of the escarpment. Do you not see any kind of potential difficulty there in bringing those two positions together?

Ms Fraser: No, I really don't. I'd like to remind you too that our clients quite often are municipalities or gov-

ernment agencies and so it could be going the other way as well. So I don't see that as a problem, no.

Mr Agostino: You don't see the potential at all that your company or yourself could lose business as a result of your serving on this commission, as a difficulty?

Ms Fraser: As long as I don't vote on projects my company is involved in, I don't see it as a problem.

The Vice-Chair: Are there any other questions? All right. Thank you very much, Ms Fraser, for coming.

Before I call the next intended appointee, just so we don't get into procedural problems, could I ask the three caucuses that if you haven't used up your time and you want to have the opportunity to go back perhaps at a second round, you ask at the end of that, that you reserve the balance of the time. That will make it clear in everyone's mind and then we won't get into any problems around whether you have the right to or not. It's one of those areas where the rules, as far as I know, don't actually speak directly to that, so we'll just go with it that way, if that's acceptable.

CAROL REANEY

Review of intended appointment, selected by third party: Carol Reaney, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Vice-Chair: Could I call Carol Reaney to come forward. Mrs Reaney is an intended appointee as publicat-large member of the Niagara Escarpment Commission. Mrs Reaney, welcome to the committee.

Mrs Carol Reaney: Thank you.

The Vice-Chair: As we have done for Ms Fraser, we will give you an opportunity to make any opening comments that you may wish and then we will go around the three caucuses asking questions.

Mrs Reaney: I am going to be reading this morning. I prepared a brief background to perhaps make you more aware of how I might serve the Niagara Escarpment Commission and I thank you for allowing me the opportunity to come.

To begin with, on a personal note, I am married to a retired OPP officer and I have two grown daughters. I grew up on the Bruce Peninsula where my family operated a farm, timber business and tourist lodge. I learned at an early stage in my life the balance between nature and man and the fact that you must care for the land on which you live or the ability to live there will not exist.

As a child and on into my teenage years, I was introduced to a very special geographical area that I lived in. My family, along with the original trail blazers, worked to build and then maintain the northernmost section of the Bruce Trail. My father was the first director of the Bruce Trail in the peninsula area and our family hosted many annual meetings there.

It is worth noting also that during the centennial year, in 1967, this section of the Bruce Trail on the Niagara Escarpment hosted the Duke of Edinburgh's Gold Award winners. Twenty-seven award winners from 14 countries came to the northern part of the Niagara Escarpment to

hike on the Bruce Trail. Even at that date, the escarpment was viewed by the world to be something very special and I was proud to call it my home.

Continuing with an avid interest in the geology of this area and the escarpment, a new area of interest occurred in the 1970s. The area at the tip of the Niagara Escarpment and the waters off the escarpment drew scuba divers and marine interests from around the world. The provincial government at that time, and specifically the Ministry of Lands and Forests, began to secure a new park called Fathom Five Park.

As a teenager I worked as a volunteer with a working group cataloguing shipwrecks and mapping areas of the new park. During this period of time, the waters off the escarpment also became home to Canada's first underwater habitat. I had the pleasure of spending some time with Dr. Joe MacInnis and his group looking at the waters at the edge of the escarpment.

About this period of time it occurred to many of us that if something were not done to protect these areas, serious damage could occur to the escarpment areas. As I left the area, the Niagara Escarpment Commission was just being formed.

I graduated as a registered practical nurse in 1972 and I've worked throughout Ontario for 15 years.

During the time I've lived in various areas in Ontario, I have often visited the Niagara Escarpment with Girl Guide groups and continue to have a vested interest in the area and its people.

I returned to the Bruce Peninsula seven years ago and for a time operated a bed and breakfast near Tobermory. I was constantly amazed at the clientele I had stay with me, who had come especially to see the escarpment, and I was totally surprised at the amount of international interest there was.

Along with the knowledge that so many people were visiting our area came the realization that many problems were occurring with respect to the amount of wear and tear that was happening on a day-to-day basis in the escarpment area.

Over \$100 million per year is contributed to local and regional economies through tourism, due largely to the draw the Niagara Escarpment features. It has never been so important to protect this valuable asset.

An equally important concern that has always been present for so many people, including myself, who live and work on the lands on or near the escarpment has been and continues to be their ability to have their needs met.

My involvement with the chamber of commerce, community policing, Communities for Health Care, and the Ontario Northland Advisory Committee has given me much opportunity to interact with various levels of government and municipalities. I have enjoyed a good rapport and working relationship with all members.

Most of my life, and especially my professional life, I have been in the business of caring for and understanding the needs of people. Understanding lifestyle issues, how and where people live and what tools need be in place to

accomplish that task have always been part of my mandate.

I believe I would bring to the commission that continued desire to understand all issues from all sides to make the best informed decisions.

I feel at this time in my life I have the time to commit to the commission in the hope that I can bring to the commission my ability to listen, to gather information and to make sound constructive decisions with the objective of meeting the needs of the preservation of the escarpment and the people whose lives revolve around it.

The Vice-Chair: Thank you, Mrs Reaney. We'll begin questions of you with Mr Pouliot.

Mr Pouliot: Mrs Reaney, welcome. Are you now, or have you ever been, a member of a political party?

Mrs Reaney: I think my résumé says that I am a member of the Conservative Party.

Mr Pouliot: A member of the Progressive Conservative Party of Ontario?

Mrs Reaney: Yes, I am.

Mr Pouliot: You own the Hidden Valley Lodge, don't you, Madame?

Mrs Reaney: Yes, I do.

Mr Pouliot: From your experience, what would be the challenge facing the escarpment at present?

Mrs Reaney: The challenge facing the escarpment itself or the commission?

Mr Pouliot: If you could identify one or two issues that are ongoing or will need addressing in the near future, what would those be?

Mrs Reaney: Certainly from my area — I'm not as familiar with the southern Niagara Escarpment area at the moment; I certainly intend to be with ongoing issues there — we continue to strive at all times to be sure that the escarpment is not being damaged in any way. By that I mean that Parks Canada has about 200,000 or 250,000 people travelling through the park area on the escarpment per year. There are days when the trail is so literally beaten down with people that they almost have to close it.

There's always a balance between man and nature, even in areas where protection is put there to serve maintaining that natural environment.

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Mr Pouliot: You've begun to address my last question for now, which is: Do you have any opinion or thoughts regarding on the one hand, the land owners' right to do what they wish, what they want, and the government's right to protect the people? In your search for balance, for equilibrium, how do you reconcile those two?

Mrs Reaney: Well, in my personal opinion, I think I'm a good listener. I think I try to listen to all sides of the issue. If there were an issue, certainly if there were an intense issue, I would want to be able to understand it from every side. I would hope that at the end of that all 17 members of the commission would agree about the best possible circumstance, for instance, in which the area might continue. I believe land owners have rights.

My family has lived on or at the edge of the escarpment area for my whole life. My father, as you might note from

my résumé, was one of the first members of the Niagara Escarpment Commission. I remember very heated public debates during the time he served. Largely, the debate surrounded land owners' fears of their rights being taken away. I don't believe anyone's rights, from any angle, need be taken away necessarily if things are put in place to safeguard.

Mr Pouliot: By way of conclusion, just to comment, I find your presentation most pragmatic and practical. I thank you.

The Vice-Chair: Can we move to the government caucus. Mr Stewart.

Mr Stewart: Thank you, Mrs Reaney, for your presentation. As I listen to you and read your résumé, you have a deep understanding, I believe, of certainly a good part of the area. It goes along maybe with what Mr Pouliot was talking about, the balance between the environment and those who want to protect it and the people who want to protect their land. Unfortunately, many commissions and indeed some governments have never planned very much for the future. If I look at this area you're talking about — not that I know it very well — if I were to ask you what your vision of the escarpment is for the future and how you could contribute to making sure your vision happened, what do you see it being in the future?

Mrs Reaney: I believe the escarpment will be maintained, because there is a drive for all of us to conserve all lands we live on in order that our future generations, my daughters and my grandchildren, will be able to survive on this planet. I think unless the ability is there for each of us — it doesn't matter whether we're an industry or whether we're farmers or whether we're land owners or whether we're conservationists, we all have to look at the optimum way we can conserve the planet. I think the ability is there for us to conserve and live at the same time. We're very good at sending people to the moon and doing all kinds of things. Surely we can find ways to make a balance work so that all things can survive.

Mr Stewart: You made the comment that some days they pretty near have to shut down the trail because it's beaten down.

Mrs Reaney: Well, yes.

Mr Stewart: I appreciate what you were saying. Are there controls that have to be put on that? It's getting too many of mankind on it all the time, and that can create problems?

Mrs Reaney: Actually, from what I know, and certainly I'm not in the park every day — the park actually owns land adjacent to the property my family owns and I have a fair knowledge of what happens throughout the park certainly on a seasonal basis. I think they're very careful to make sure there are options they can use if they need to, say, close a section of a trail for a day if they feel that it needs it; for instance, if we had rain for three days in an area of trail, not just for the trail itself but certainly for safety reasons. We have some treacherous areas on our trails. If it rained for three days it might be quite slippery and not easily travelled. So they're pretty careful to put those safeguards in place.

Mr Stewart: Certainly I'm a great believer, when somebody has an investment in something, which it appears you have, in that you tend to be a lot more conscious of protecting it to make sure there is a future for it. So I compliment you on it.

Mr Chudleigh: Let me say how pleased I am that you've agreed to sit on the commission. A continuum and a little heritage on the commission, from the point of view of your father being one of the first commissioners, is a fine thing.

I was also impressed with your comments regarding the balance between land owners' rights and the public's rights. It's a continuing battle and has been such on the Niagara Escarpment Commission and around the Niagara Escarpment Planning and Development Act.

The Niagara parkways is a similar type of organization and there doesn't seem to be any of that conflict between property owners and the public's rights. In fact, the Niagara Parkway is literally loved by many of the land owners in that area.

It's our goal and our hope that that same kind of symbiotic relationship between the public need and the land owners' rights can be maintained and balanced. I look forward to your decisions on the commission that will further that goal. We reserve —

The Vice-Chair: You're it, if there are no further questions from the government caucus.

Mr Cullen: There is another voice here from the Liberal caucus.

The Vice-Chair: I'm sorry, my apologies. I was about to skip over an entire caucus. Mr Cullen, go ahead.

Mr Cullen: Mrs Reaney, welcome to the dynamics of this committee. If you watch this, I'm sure it'll beat some soaps.

I note that you have been an owner of Hidden Valley Lodge, that you've been active on the Tobermory Chamber of Commerce. Clearly tourism is an important part of how you view the use of the escarpment, am I not correct?

Mrs Reaney: True.

Mr Cullen: Bearing that in mind and bearing in mind the pressures of running a business, running a community that thrives on tourism and the nature of the applications that will come forward to the commission, because the commission will look at development permit applications, the Niagara Escarpment plan amendments, applications to sever land plans for subdivision official plans, zoning bylaws and amendments, you will be seeing more likely than not more applications to develop the escarpment.

Every time a person will come forward, they will hire the consultants. They will hire consultants to show that it's going to have a minimal impact in terms of environmental degradation, they'll hire the consultants to show that it's going to have a boon in terms of jobs, they'll hire the consultants to show that it fits with whatever Planning Act provisions and provincial guidelines are in place. So more often than not, you're going to be asked to deal with applications to, shall I use the word "enhance," mankind's enjoyment of the escarpment as opposed to preservation. You talk about trying to find this fine line. When most of

the time you're dealing with applications that seek to develop the escarpment — I've been in municipal council and I know something of how this works — it seems you can't refuse them all, can you?

Mrs Reaney: You can't refuse them all.

Mr Cullen: Some? Accept many? I'm looking for the balance here. The issues coming before the escarpment in terms of development applications to enhance tourism—and earlier we had someone who was involved tangentially in the aggregate industry, they'll certainly be interested, but in your neck of the woods it's tourism and people there will want to develop the tourism abilities of your community. It only makes sense. So how do you balance this?

Mrs Reaney: I think each individual application will stand on its own. All issues will have to be discussed and whether or not that application can continue. My understanding is that before it comes to the commission, many people who have concerns, including the municipalities in the area, will have brought forth any issues they are concerned about so that before a final decision is made, many background things will occur. If there's a glaring reason why this business cannot be there because of the environmental issues, then I'm sure the commission will decide at that time that it can't be put forward.

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Mr Cullen: I would be a little more comfortable in saying that there has to be a compelling reason to develop, as opposed to a glaring reason of why not. Here you have a municipality in your neck of the woods that wants to advance tourism and therefore is predisposed, really, to supporting those kinds of applications that will enhance employment in your community, that will enhance tourism for the economic activity it brings. Are you telling us it will have to be the glaring problem of the developer or is it going to have to be a compelling reason to develop? Most of the time you're going to have people saying: "Isn't this a wonderful idea? Won't you support it?"

Mrs Reaney: If all the right reasons were there to support it, I would support it.

Mr Cullen: Are they compelling reasons? We have an act here, and you're there along with your colleagues to interpret the act. You have what's recognized internationally as an environmental treasure.

I'm faced with the same situation in Ottawa. We have what's called the National Capital Commission's greenbelt, which was expropriated as a living memorial to the Second World War dead, but it provides as well a buffer for urban sprawl. People there want to keep it as green as possible, yet the agency that looks after it, businesses and people are all looking at this marvellous development opportunity, and it's the same situation with the escarpment. There are marvellous development opportunities on the escarpment, but every time it gets developed, you've lost something.

Mrs Reaney: That's right.

Mr Cullen: You're saying, "If it meets all the right reasons," but in the "right reasons" is there not the notion

of protection of the escarpment, the integrity of the escarpment?

Mrs Reaney: Yes, there is, and I think there are many safeguards there to be sure that this area will be protected if the need is there for it to do so.

Mr Cullen: Is there a need to develop the escarpment?

Mrs Reaney: Not necessarily, but sometimes there are issues surrounding — I'm trying to give you the best example of a need right in our area for a business to occur. I could go to something as simple as whether or not a grocery store could exist at the edge of the national park for the needs of the people in the park. I think there perhaps would be a way, depending on where that grocery store existed, if it passed all kinds of municipal regulations first; if it went through all the proper applications and amendments; if it wasn't in any way, certainly other than perhaps cosmetically, going to hurt the natural environment. There may be a place where that business could exist. It may not be able to exist if it were sitting at the edge of a waterway.

You're asking me for an answer to issues that I'd first have to see the beginning paperwork on. There might be a reason why public health couldn't allow it. There might be any number of reasons why the business couldn't exist initially, before it even got to the level of the commission.

Mr Cullen: The commission is seen as a bulwark against the continual pressure for development, and as development occurs other applicants see that as precedents. If you allow a grocery store here, then why not there and then why not here? Then you have strip development and all these things come to the place. I think there is a desire in the population to not only preserve and protect the environmental areas we have but actually to enhance. In my view, having been through the municipal process, I find I would need compelling reasons to allow development. If that threshold is not met, then not here; go elsewhere.

The Vice-Chair: Any other questions from the government caucus? If not, thank you, Ms Reaney, for appearing.

SAM LUCKHARDT

Review of intended appointment, selected by official opposition party: Sam Luckhardt, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Vice-Chair: We proceed with the third intended appointee for this morning, Mr Sam Luckhardt. As we have done with the others, Mr Luckhardt, we will give you an opportunity to make any opening comments you have and then we will proceed to questions from the three caucuses.

Mr Sam Luckhardt: I'd like to thank you for the opportunity to speak before this committee. I consider it a distinct honour and privilege to be nominated for this important position as commissioner on the NEC.

First, a brief background on myself, and I believe you have a copy of some of my undertakings in the past. I have lived at rural route 6 Owen Sound, in Sydenham township,

since 1969. Our home is approximately one kilometre from the NEC control area. I am 46 years young and married to my wife, Kathie, for 20 years, with two high school age children, Michelle and Jeffrey. We purchased the family farm corporation from my father and farm approximately 1,000 acres, of which 400 are owned. We raise Holstein heifers and keep approximately 300 to 400 for export purposes to the southern US and Mexico.

I've had numerous involvements in community affairs in the past, and in 1986 decided to take the plunge for elected office. I was elected to Sydenham council and served there for 11 years, the last three years as reeve. On township council, we dealt with and commented on numerous development control permits, severance applications and other related matters, so I do have an understanding of some of the aspects of the NEC plan. I also served on Grey county council, and I served on the land division committee for the last three years and saw at first hand the interacting of the NEC policies and also county staff and OP policies.

As far as the exact workings of the NEC, I realize I have a lot to learn, but with my past municipal experience I feel I have the credentials to become a valuable addition to the commission.

Thank you, Mr Chairman and committee members, for the opportunity to speak. I welcome your questions.

Mr Stewart: Thank you, Mr Luckhardt, for your presentation. As I read your background, I'd suggest that you have a lot of investment in the area. I compliment you on that. As I said to Mrs Reaney, when people have investment in an area, I think they tend to have a lot better support and control of it.

There has been some discussion this morning regarding the balance between land owners, developers and environmentalists. Certainly you are no exception to being asked the same question: How do you feel that can continue and can be done right and still be able to protect the escarpment for future generations?

Mr Luckhardt: I think, sir, it's a very valid question. It's a very delicate balancing act between protecting the environment and also having life go on as per se. I feel with the policies that have been developed and are in place at present on the NEC, the NEC control area is well protected at present. I can't say any more than that, really.

Mr Stewart: Are there any major changes that should be done that you see? Again, and I go back to what I said before, I think sometimes commissions and governments etc kind of forget that there is a future and should put the standards and the regulations into place now that will make sure there is an ongoing thing.

Mr Luckhardt: If you like to crystal-ball it, there's one thing I'd like to see somewhere in the future; I know it wouldn't happen overnight, and it might not ever happen. In my own municipality, Sydenham township, the control area in one spot is approximately five miles wide. The escarpment face itself is approximately one quarter of a mile wide. Therefore, we have land overlapped on either side of the escarpment face that is virtually locked in place and can be regarded as the same as the escarpment face. I

am familiar with some of this land and it's not really different from my land as far as agricultural capabilities and as far as other capabilities also, but per se it is a marked area. The escarpment itself should be protected forever, and a certain area, but I just know in my own municipality the area is a little too wide in certain spots. If that could be looked at, that would be a wish of mine.

Mr Stewart: Because of the vastness between north and south, certainly one area is not solely the same as the other one. I guess that's one of the problems we have: You think one decision is supposed to do it for everybody. Do you foresee any great conflict, as the years go on, between the north and the south or indeed the east and the west?

Mr Luckhardt: As I look at it, I'm familiar with my own area, Grey county, and I actually used to live on the peninsula also; I know that area quite well. As far as going farther south, I'm aware of what has happened in the past and I know where the escarpment is, but I would like to have some workings on the commission before I could establish that. I'm more familiar with my own area. Grey county actually has a great area under escarpment control now.

Mr Agostino: Mr Luckhardt, welcome back. You still have a glowing tan, which is great.

I have a question in regard to your views on the escarpment commission. A good friend of yours publicly and a neighbour of yours, Bill Murdoch, is an individual who believes and has said in the past that the commission should possibly be scrapped or its powers reduced tremendously. Do you agree with that view?

Mr Luckhardt: Not necessarily, no.

Mr Agostino: Can you expand on that a bit? Do you believe the commission has too much power or too much control right now and is a hindrance to development?

Mr Luckhardt: As far as the NEC having too much control right now, as I said before, the escarpment should be preserved forever. The only flaw I see in it is that maybe the control area is a little big. But the exact face of the escarpment should be preserved forever, and some of the surrounding area. I'm just saying in my own township I know the area is five miles wide. The face of the escarpment does not come up in that area.

Mr Agostino: Just to follow up, I asked earlier about the commission's continuing role and the role you see for the commission. I was a little concerned that when I asked you about scrapping it you said, "Not necessarily." That seemed to be qualified. Is it safe to say that you believe the Niagara Escarpment Commission should continue operating in the manner it has been operating in the past, with the same types of controls and checks and balances that are there to protect the escarpment?

Mr Luckhardt: Yes.

Mr Agostino: In regard to the control area, you're suggesting that right now it's much too wide, that it should have a much smaller containment. Who would it benefit if the guidelines were changed and you had a much smaller control area, in your area or other areas similar to that? Who do you think would benefit the most from that?

Mr Luckhardt: Probably the property owner.

Mr Agostino: Following that, it would be more private development allowed in those areas that is now somewhat under stricter controls because of the wide area that is now enclosed.

Mr Luckhardt: It could be a play on words, what you mean by "development." I could take that to mean that some of that area could be farmed more intensively or it could have a barn built on it. A farm is a development also, and I'm more familiar with that area. That kind of development isn't really curtailed at present, but there are onerous controls put on the property owner who tries to build an agricultural building or carry on a business.

Mr Agostino: Have you appeared before the commission before on any sort of hearings or anything like that?

Mr Luckhardt: The committee hearings?

Mr Agostino: The Niagara Escarpment Commission, yes.

Mr Luckhardt: Yes, I have.

Mr Agostino: How have you found dealing with them? Mr Luckhardt: I have appeared before a hearing officer, representing the township, and I have found the hearing officers to be very receptive to knowing everything, not only hearing what NEC staff have to say but also hearing what the local township would have to say or the developer or whatever. I found them very open-minded and receptive to all thoughts that are presented before them.

Mr Agostino: Do you have any concerns at all about the decision, I guess a year and half or so ago, to shift the control or the jurisdiction under the government from the Ministry of Environment to the Ministry of Natural Resources for the Niagara Escarpment? It used to be under the environment ministry, which I think was more interested in protecting, rather than natural resources, which appears to be more interested in development. Do you have any concerns on that, or do you think it was appropriate to shift it from environment to natural resources?

Mr Luckhardt: I can't really say. It was a government decision. I can see both sides of the coin, how it would be a tough decision one way or another. I can see the Ministry of the Environment's mandate there to protect the environment and also I can see the MNR side, where they are in control of parkland, so to me it isn't a big thing. I can see both sides of the coin, and I understand it was a government decision to change it.

Mr Agostino: I presume you are a card-carrying Conservative?

Mr Luckhardt: Yes, I am. Mr Agostino: Thank you.

Mr Pouliot: Welcome, Mr Luckhardt. My first question follows my friend and colleague Dominic Agostino's last question, whether you are now or have ever been a member of any political party, and you have just answered yes, you are a member of the Progressive Conservative Party of Ontario.

I listened intently to what my friend and colleague again mentioned about one William Murdoch, MPP. Do you know Mr Murdoch?

Mr Luckhardt: Yes, I do.

Mr Pouliot: Is Mr Murdoch a good and/or close friend?

Mr Luckhardt: Yes, I'd say he's a close friend; I'm not sure whether he's a good friend or not.

The Vice-Chair: We'll make sure he gets a record of this.

Mr Agostino: Be careful. He's standing outside the door.

Mr Luckhardt: I understand, Mr Chairman. I have made some mistakes in the past, and I just hope I don't duplicate the same mistake in the future.

Mr Pouliot: Mr Luckhardt, after Hansard comes out later today or tomorrow, you can use the word "was."

In 1990, UNESCO designated the Niagara Escarpment as a world biosphere reserve. What is your understanding of that terminology? What does it mean to you?

Mr Luckhardt: It's a very important designation. I understand in Ontario there are only two of them and one is the NEC. It's a world-renowned organization that has designated lands that should be preserved and environmentally protected forever. It has got a lot of press, and I agree this is a sensitive area and should be protected.

Mr Pouliot: Mr Luckhardt, "environmentally protected forever" are your words, yet in your opening statement you mentioned what I took as your intention to narrow the protected area.

Mr Luckhardt: Yes, that would be a wish, I guess. If I ever got on there, I would be one of 17, and my understanding from when we operated council is that I was one of five and very seldom did I get my wishes.

Mr Pouliot: So you would be representing the right in terms of approach on the committee?

Mr Luckhardt: The right?

Mr Pouliot: Well, you are a developer at heart. You say so yourself in different words.

Mr Luckhardt: I'm a developer at heart. If you can call agriculture a big development, I guess.

Mr Pouliot: Just as good as any of them. **Mr Luckhardt:** I'd beg to differ, but —

Mr Pouliot: In 1994 the Niagara Escarpment plan lists its purpose: "to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment."

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In other words, as a condition, as a criterion, it must be compatible; the focus is to protect, not to shut the door but to envisage only in the context where, first and foremost, the environment is protected. Do you agree with that statement?

Mr Luckhardt: Yes.

Mr Pouliot: Thank you.

The Vice-Chair: We'll move to the government caucus. Mr Chudleigh, any questions?

Mr Chudleigh: Thank you for appearing today, Mr Luckhardt. We appreciate your coming to the hearing. As

a farmer, you grow a certain number of cash crops, I imagine, feed for your dairy herd.

Mr Luckhardt: Yes.

Mr Chudleigh: Would you consider yourself to be an environmentalist?

Mr Luckhardt: I think every farmer, if he's doing a proper job and it has been generation after generation, is exactly that.

Mr Chudleigh: Yes, it's pretty difficult to grow good crops on polluted soil with polluted air or with polluted water.

Mr Luckhardt: Correct.

Mr Chudleigh: Thank you very much.

Mr Cullen: Mr Luckhardt, I heard you talk earlier about farming being a form of development. I'm not going to quarrel with that. Certainly we get many applications where I've been, on municipal council, and so have you, where you've seen applications to make more intensive use of land. You said in your comments that you had been before the Niagara Escarpment Commission. Perhaps you could describe to this committee what those circumstances were.

Mr Luckhardt: I'm trying to remember now. I appeared before a hearing officer, I believe, last September, approximately.

Mr Cullen: Not that long ago; okay.

Mr Luckhardt: I was reeve at that time, and I was representing the township before a hearing officer.

Mr Cullen: In support of an application?

Mr Luckhardt: Actually it was on township property, and as reeve I was, by order of council, spokesperson for the township council.

Mr Cullen: Yes, that's usually what happens when you become reeve or mayor.

Mr Luckhardt: Well, not always.

Mr Cullen: You don't necessarily have to agree, but council votes. Have you had any dealings where your own business interests have been before the commission at all?

Mr Luckhardt: No, sir. Our property is not under the NEC. As I state in my opening address, we're approximately one kilometre from the control area. Back before the area was actually sketched out in 1985, one of our farms was slated to be in there, but when the lines were drawn up — and that's the one that's within a kilometre of the control area.

Mr Cullen: My last question deals with this notion that you believe the face should be protected but perhaps the control area should be reduced. I have to believe that you as a farmer understand the concept of an ecosystem and therefore understand that the escarpment is not just the face. Perhaps you can give us more of your thinking as to why the control area should be reduced. It went through the public debate. The lines were drawn. As a matter of fact, with the later knowledge we have today, many believe that in fact those lines should be expanded. Why do you think they should be contracted?

Mr Luckhardt: I know there is some area that's very close to my home where there are no visual features from the air that would indicate it has anything to do with the

escarpment, yet it is under NEC control. I'm dealing mainly with agricultural land. I know fellow farmers who farm this land. In our conversations we speak about the depth of plowing. Of course, plowing was a big thing years ago. Now farmers have gone to more no-till. It's the big buzzword in the agriculture industry now. But when these guys were plowing years ago, they put the plow in the ground six inches and turned over the soil in the fall. In some areas that are under NEC control, the plow will only go in the ground three or four inches. The plow is riding on the escarpment.

Mr Cullen: Right.

Mr Luckhardt: But there are other areas where the plow will go in the ground a foot and it's still under NEC control. They can't plow any deeper because the tractor won't pull it, but they haven't hit the escarpment yet and there are no visual features there to indicate that it is the Niagara Escarpment itself.

Mr Cullen: Okay, I can understand that perspective, but don't you think that when we talk about supporting the ecosystem we call the escarpment there are other factors that would have to come into play? If we just measure it by the depth of the soil, I would think the lines would change everywhere. I believe more factors are at play here. Are you not familiar with these factors? Your council would have dealt with a number of applications or supported a number of applications going forward for development involving the Niagara Escarpment Commission, and you would have seen the staff reports and the arguments they would have brought forward. It's more than just the depth of soil, is it not?

Mr Luckhardt: You're correct. I was going on visual features. That's what I had mentioned. I think there are areas where it is still too wide. I think of an area like Inglis Falls on the edge of Owen Sound, the most picturesque area in our community. It is NEC and it should be. It definitely should be. It draws people there.

Mr Cullen: Inglis Falls: I know it well.

Mr Luckhardt: We walk around there and we have picnics there and things like that. Then, as you get out into the rural area, away from that actual escarpment — because it is a very dominant feature. There are other areas that I feel — and as I say, I'm only one; if I get on, I'm only one of 17.

Mr Cullen: You would advocate as a member that the Niagara Escarpment Commission actually contract its control area? You would advocate that on the commission?

Mr Luckhardt: No, but if it did come up and if I found I had some support, maybe I would.

The Vice-Chair: We'll have to leave it at that. Thank you, Mr Luckhardt. Are there any remaining questions from the government side?

Mr Shea: Is there any time left for the socialists?

The Vice-Chair: Mr Pouliot did not reserve time.

Mr Shea: My respects to Mr Pouliot if he wanted to —

The Vice-Chair: I didn't see any indication of any wish to ask a question. Do you have a question, Mr Shea?

Mr Shea: I just have one question to ask in conclusion. You might gather from the questioning of the Liberal caucus that that party is perhaps in favour of expanding the Niagara Escarpment Commission —

Mr Cullen: Don't put words in our mouths.

Mr Shea: — and that clearly was the underlying girding of the questions. Is it your view there may be areas where in fact the escarpment might be expanded and areas where it might contract? Is the escarpment indeed a living organism that's part of the biosphere or not? Is it to be wrapped in plastic as the Liberal caucus would have you picture it now, or is it to be something very carefully managed and improved?

Mr Luckhardt: I think you hit the nail on the head there by saying it's something that should be protected. I don't know of any areas I can think of, that I know of first hand, where the control area should be expanded, but as I said before, there are some areas I know first hand that should be contracted.

Mr Shea: You have considerable experience in local politics.

Mr Luckhardt: Yes.

Mr Shea: How would local government respond to the Liberal position, for example, that in fact this government ought to be —

Mr Cullen: Mr Chairman, there is not a Liberal position being advocated here.

The Vice-Chair: Sorry, there really are very few limitations on the kinds of questions people could ask. As long as they are in order, they are proper. Mr Shea, continue.

Mr Cullen: He is advancing a position that is not his to advance.

Mr Shea: Thank you, Chairman. I assume my colleagues ask questions premised upon thoughtful research. I operate from that and I appreciate your recognition of that.

Mr Cullen: So you should do some proper research and check what our position is.

Mr Shea: Let me pick up on that again. I want you to respond to the questioning being raised of you from the background of your political experience, which is considerable. Is it your sense that the position that the escarpment be contained at least as it is now and perhaps expanded would be well received by local government?

Mr Luckhardt: No, sir.

Mr Shea: Thank you.

The Vice-Chair: That's the time that we have. Thank you, Mr Luckhardt, for appearing before the committee.

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J. DONALD SHEPPARD

Review of intended appointment, selected by third party: J. Donald Sheppard, intended appointee as full-time member and vice-chair, Social Assistance Review Board.

The Vice-Chair: We proceed now to the next intended appointee, J. Donald Sheppard, intended appointee as member and vice-chair of the Social Assistance Review Board. Mr Sheppard, welcome to the committee, sir.

Mr J. Donald Sheppard: I would like to thank the members of the committee for the opportunity to appear before you today and I'm honoured to be considered for an appointment to the Social Assistance Review Board.

I have extensive union experience, and over the past 12 years have served the members of the Ontario Public Service Employees Union in several different capacities. I have been heavily involved in wage, working conditions and benefit negotiations, as well as the mediation process. I've had the opportunity to assist lawyers in the preparation of both defence and prosecution cases involving labour conflicts, and represented OPSEU members at hearings during various steps of the grievance process, as well as labour tribunals. I also have had extensive experience in researching and interpreting legislation and case law

I believe my past experience makes me well qualified for the position and I look forward to the chance to apply this experience to the board, and towards that end, to answering any questions the committee may have.

The Vice-Chair: We begin with the Liberal caucus.

Mr Agostino: I am pleased Mr Sheppard is here. I am certainly familiar with Mr Sheppard. I want to preface the fact that the concerns I will express today, and very strongly, are not a personal reflection on Mr Sheppard but simply on the appointment and the process government uses for appointments.

The first question, Mr Sheppard, is, are you still president of the Hamilton East Conservative Riding Association?

Mr Sheppard: Yes, I am.

Mr Agostino: You were a past candidate for the Progressive Conservatives in Hamilton East?

Mr Sheppard: Yes, I was.

Mr Agostino: Is your wife still employed as an aide to a minister?

Mr Sheppard: Yes, she is.

Mr Agostino: The current minister, John Snobelen, attended a fund-raiser on behalf of your riding association a few months back?

Mr Sheppard: Yes.

Mr Agostino: This position pays, I believe, \$60,000 or \$70,000 a year. You are currently employed at Queen's Park. Is there any indication that your job here at Queen's Park will be eliminated?

Mr Sheppard: There are indications that it may be in the future.

Actually, if I may correct you, the minister who came to the fund-raiser in Hamilton East isn't the minister involved in —

Mr Agostino: No, but he is John Snobelen.

Mr Sheppard: Yes, John Snobelen. He's MNR.

Mr Agostino: A couple of points here. The position is a full-time position, I believe, and it pays in the \$60,000 or \$70,000 range. As well, during the civil service strike a couple of years ago, in your position as president of the local you represented, did you criticize your colleagues or your fellow co-strikers in view of the strike and the action they had taken?

Mr Sheppard: I criticized outside people who came and interfered with our picket line at Queen's Park. I didn't criticize anyone in my local.

Mr Agostino: Were you the only labour leader, though, basically here at Queen's Park who criticized what was happening during the strike?

Mr Sheppard: Pardon me?

Mr Agostino: I believe you were the only labour leader who criticized what was happening during the strike at Queen's Park.

Mr Sheppard: I criticized what was happening with outside people who came here and interfered with the picket line. Ultimately there was violence around the picket line.

Mr Agostino: I guess I'm safe to suggest that you agreed with all the steps or you agree with the steps this government has taken with regard to welfare and social assistance reform in this province.

Mr Sheppard: Well, I campaigned on the changes.

Mr Agostino: So you believe very much in the welfare policies of this government as they are applied in the Common Sense Revolution and beyond that.

Mr Sheppard: Yes, I campaigned on those.

Mr Agostino: The Social Assistance Review Board, of course, is going to be a quasi-judicial body that is to review applications. Do you not see a conflict in the sense that this government ran very strongly on an anti-welfare sentiment, ran very strongly with a Premier who believed that welfare recipients were bums and should be kicked in the butt and put in their place? Do you not believe that view, which was expressed by your Premier and your government, is going to influence your decision-making, and the negative view that your government and your colleagues see of welfare recipients in Ontario? Do you see that it's going to slant the way you judge these individuals when they come before the board?

Mr Sheppard: I believe that's your personal interpretation of what we campaigned on, but in truthfulness, we campaigned on getting people back to work and getting them off welfare and giving them the dignity of having a job.

Interjections.

The Vice-Chair: Okay, folks, come on.

Mr Agostino: Can you tell me, in your background or in the work you've done, what work you have done in relation to social assistance review or what would give you qualifications from your background knowledge, past work history or your expertise in the social services field? Can you explain where that would come from?

Mr Sheppard: Actually, my expertise comes from appearing and being involved in tribunals in the labour field, not in the social assistance field. The tribunals are very similar and I do have experience in that sense.

Mr Agostino: Thousands of civil servants have lost their jobs, 10,000-plus in this province, and will continue to lose their jobs under this government's agenda. You're one of the fortunate ones who's going to lose his job but because you are connected to this government, because you have friends in the government, because you ran for

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this government, they're going to take care of it. Do you see that as an unfair situation for the thousands and thousands of other civil servants across Ontario who have lost their jobs but weren't fortunate enough to be a Tory candidate and will not get appointed to a \$60,000 or \$70,000-a-year job?

Mr Sheppard: First of all, there haven't been thousands and thousands of civil servants lose their jobs; there have been thousands of positions that have disappeared, mostly through attrition and that sort of thing. There are only a few hundred people who actually have been laid off. Most people have been placed in the government. As a union president, I know that. Secondly, I would hope that with my qualifications any government of the day would consider me for this position.

Mr Agostino: Just to wrap up, I do question very much — I would think every other labour leader in this province will question your fact that only a few hundred people have lost their jobs and are going to tell you that number is much greater and is into the thousands and not into the hundreds.

You don't see as a problem the fact that it will be perceived that you're being favoured or being given special treatment as a result of the fact — is it a coincidence that you were a Tory candidate, that you're a riding president, that your wife works at Queen's Park, that you have a long history with the Conservative Party and that your job's going to be eliminated and you're now being recommended for this appointment? You weren't recommended a year ago, two years ago; you're being recommended just before the axe comes down.

I understand that. I understand your interest is to try to do the best you can for yourself and your family. But do you not see it clearly as a message to the civil service that we have two standards and two ways that we treat people? If you're our friends and if you ran for us and worked for us, we're going to take care of you. If you're not, it's tough luck, buddy, you're out the door because government has to get smaller and we have to continue to pay for the tax cut. Do you not see this double standard? Do you not see it as a message it sends out across Ontario that if you're connected with this government, you're okay and taken care of; if you're not, you're basically screwed.

Mr Sheppard: No, I don't see it as a double standard at all. I stayed with my union local. I've been interested in this position for a few years but I stayed with my union local to make sure that people in the local were placed, and most of them were taken over by the Legislative Assembly. It was only then, when everyone was looked after, that I pursued my own interests. I applied for this position. I went for an interview and I'm very proud to have the opportunity to be here today to maybe land this position.

Mr Agostino: I'll pass and reserve my time.

The Vice-Chair: Mr Pouliot.

Mr Pouliot: Welcome, Mr Sheppard. It's been established that you ran in the last provincial election as a Progressive Conservative Party candidate.

Mr Sheppard: That's correct.

Mr Pouliot: It has also been mentioned that your spouse is presently employed as a member of the political staff with the minister —

Mr Sheppard: Yes, with the Minister of Environment, Norm Sterling.

Mr Pouliot: Yes, the Minister of Environment. Sometimes I just go by the money allocated to each ministry. The Ministry of Environment, thank you.

Did you apply for the job, or were you informed, were you approached to apply for the job?

Mr Sheppard: No, I applied for the job.

Mr Pouliot: To welfare recipients, general assistance recipients, the less fortunate, the marginalized, all of us except for sometimes a spouse or circumstances, a support system that separates us — no one's immune — for those, Mike Harris is seen as the great Satan, the closest thing to evil.

You've answered a question by saying that you ran, that's what you said, and you agree on all the policies of the government vis-à-vis social assistance. Right?

Mr Sheppard: Yes.

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Mr Pouliot: Okay. You are seeking an appointment to the Social Assistance Review Board as a member and vice-chair. Right?

Mr Sheppard: That's right.

Mr Pouliot: If I feel that I was not well treated as a citizen, if you wish, I will go to the review board, and the review board, I would expect, would operate at arm's length, without prejudice, with no opinion. It's quasi. So with respect, I would caution you not to be so facile with an opinion. You don't have an opinion. The fact that you were a candidate, sir, to us matters little. We respect the integrity and the power of a government, but where I would have some difficulties is by virtue, on account, because someone agrees with something, he feels that it is necessary to bring that as a philosophy, as an approach, because this is judgement and you must completely wash your hands.

How many pieces of silver will you receive should you be appointed? How much does the job, the tenure pay, la pecunia, la payola?

Mr Sheppard: I believe it's in the sixty thousand — Mr Pouliot: Sixty to seventy thousand dollars.

What experience will you bring forward that will qualify you to be a member and possibly the vice-chair of the review board? The review board is sort of a last resort for the marginalized, for people who come to you, the board, and say: "Look at my situation. Don't look at the policies of the government. It's not the mandate of the review board."

Mr Sheppard: I would bring the experience, the fairness that I've had through my union activities and representing people. If I am successful with this appointment, when I make a decision on the board it will be strictly based on legislation, not on my past experiences with the party. It will be strictly based on the legislation. In my union experience, when you represent someone in the union, you do it by the book. You may know that person is

guilty as sin, but you still represent them to the best of your ability by the book. This is what I would do if I'm successful with this appointment: go by the legislation, go by the rules.

Mr Pouliot: Mr Sheppard, I'll be candid with you. I'm wrong so often, let's keep that in mind; it's just an opinion. You and I are similar and yet opposite, but I believe we were looking for the same port, for the same destination, but we took different routes. I too was a union representative. I negotiated no less than 10 collective agreements yesteryear. I was strike director for two work stoppages. I worked 20 years in a mine in northwestern Manitoba and northwestern Ontario. Maybe our understanding is the result of work stoppages. That's where we part.

I never had a dream where, as a union, pleading that the qualifications that would bring me to the board are those of being a union representative. Up till then there's no problem. I think it's a world of experience, except I chose to run for the New Democrats. I respect you and I respect what you are saying. You chose to run for the party of others, if you're a union member, but I'm sure you will sleep well.

Those people, they're for the others. You, the assistance review board? I would be scared to death if I was marginalized, if I was destitute or between jobs and had to go on the dole, on welfare. I would be more than devastated. But there again, if I were one of those, when I would meet people like you I would say little. I would know where my lot is, where my lot resides, and I would begin to stoop as I leave the hall with no chance of appeal.

Please, please — they will flex their majority muscle perhaps but that's my conclusion. You have no opinion when a citizen comes to you. You judge on the facts and that's what the review board says. That's the sole mandate. It doesn't matter what Mike Harris, McGuinty or Hampton says.

Mr Sheppard: Yes. I believe I said that.

The Vice-Chair: We'll move to the government caucus, Mr Grimmett.

Mr Grimmett: I note from your information provided in the package, Mr Sheppard, that you currently work at the Legislature here, do you, as a maintenance person?

Mr Sheppard: Yes, I do.

Mr Grimmett: Is that a full-time position?

Mr Sheppard: Yes, it is.

Mr Grimmett: The position that you're being interviewed for here today, is that a full-time position as well?

Mr Sheppard: Yes, it is.

Mr Grimmett: How are you going to deal with your current job if you attain the appointment?

Mr Agostino: They're getting rid of it.

Mr Sheppard: If I am successful, I will be taking a secondment to go to SARB.

Mr Grimmett: So you've looked into that already.

Mr Sheppard: I have looked into that. I've consulted with human resources.

Mr Grimmett: I see in your résumé that you've had a fair bit of experience as a union representative in dealing with, I take it, administrative tribunals. Is that correct?

Mr Sheppard: That's correct.

Mr Grimmett: Have you appeared at all or given advice to union members on the Social Assistance Review Board?

Mr Sheppard: No, I haven't.

Mr Grimmett: I see. Which tribunals are you most familiar with, then?

Mr Sheppard: Labour tribunals, arbitration boards, that sort of thing. When someone puts in a grievance, I would represent them up until the arbitration hearing, where I would help the lawyers with their defence or prosecution, as it may be.

Mr Grimmett: In that position, have you attended a number of hearings?

Mr Sheppard: Yes, I have.

Mr Grimmett: Is it your understanding that the procedure used at the Social Assistance Review Board is similar to those hearings that you attended?

Mr Sheppard: Yes, it is similar in a lot of ways.

Mr Grimmett: You could draw on your experience and your background in those situations if you were successful?

Mr Sheppard: Definitely.

Mr Grimmett: Those are the questions I have. Maybe Mr Stewart has some questions.

Mr Stewart: Mr Sheppard, I have a little difficulty when I listen to people attack the integrity of people. I have a little difficulty with that and I guess maybe indirectly I'm a little ashamed of what I heard here this morning because it appears to me that unless you happen to be a member of another party, you can't make any decisions that they're going to be happy with.

I stand to be corrected, but I was always told and taught that if you go on a commission or you go on a board, you judge according to the facts you receive. Is that your interpretation of it?

Mr Sheppard: Yes, it is.

Mr Stewart: And do you feel that you could do that?

Mr Sheppard: Definitely I could, yes.

The Vice-Chair: Mr Cullen, you have about two and a half minutes left.

Mr Cullen: I've been in a similar union position representing my local and it seems to me from what you've told us that you've appeared before these tribunals as an advocate for your membership. Is that not correct?

Mr Sheppard: That's true.

Mr Cullen: That, coupled with the fact that you campaigned on the Progressive Conservative platform, and you've said you fully agree — in that context you were an advocate for that policy position, were you not?

Mr Sheppard: Yes, I was.

Mr Cullen: So here you are. You say with your qualifications "any government would appoint me to this tribunal as an advocate in previous situations." How can you say, therefore, that a government that we would head or that the NDP would head would find the kind of issues that you have advocated as qualifications for this kind of board?

Mr Sheppard: The qualification that I have is my union background.

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Mr Cullen: As an advocate, not as someone who judges on the basis of facts. You were there to convince the tribunal that your side was right. I'm a former regional councillor. I've dealt with social assistance cases; people fall between the cracks and we send them up to the board. They're trying to deal with something that the system doesn't meet and you're there to judge those facts, but your experience has been as an advocate saying, "No, we should be taking people off the rolls."

We had the chair of the Social Assistance Review Board before us and she made it very clear to us her job was simply to interpret the legislation. You're here as a result of being an advocate. How can you separate these things?

Mr Sheppard: Like I said, I would hope that any of the three parties who may be in power would consider my qualifications for this. I can reiterate the point that if I am appointed to this board, I would only make my decisions on the legislation and not on any previous campaigning that I've done for the Conservative Party.

Mr Agostino: Just a quick question. You mentioned earlier that you believe your position will be eliminated due to the downsizing and everything else that's happening around here.

Mr Sheppard: It's a possibility.

Mr Agostino: However, you are not going to be resigning but taking a secondment, so if a future government decides for whatever reason that your appointment is not to be renewed, you would be able to go back to the job or a similar position that you had here at Queen's Park.

Mr Sheppard: Yes, much as you did when you ran for MPP and kept your alderman's seat.

Mr Agostino: Yes, I did, and when I won I resigned. That's what you should be doing as well.

The Vice-Chair: Are there any other questions from the government caucus? No? Then thank you, Mr Sheppard, for appearing before the committee.

Mr Sheppard: Thank you.

The Vice-Chair: Committee members, we are now scheduled to have a break. Actually, we are ahead of schedule, so one option would be, if you want, to deal at this point with concurrences of the folks we've had until now, or we could simply deal with all of that after the break.

Interjection: We might as well do concurrences now.

Mr Stewart: Oh, sure.

The Vice-Chair: Okay. Then we go back to Ms Fraser. Is there a motion dealing with concurrence?

Mr Bert Johnson (Perth): I move concurrence.

The Vice-Chair: Mr Johnson moves concurrence with the appointment of Jacquelyn Fraser. Discussion?

Mr Cullen: Mr Chairman, as you can tell from our comments, the difficulty is that we are dealing with a candidate who certainly has the academic background and experience for the position but is going to have to deal

with development applications from people who either have been or potentially will be clients.

When we asked about the potential conflict of interest, the candidate initially said she didn't see any problem, then said she would deal on a case-by-case basis. Quite frankly, when we're dealing with a situation like this, it's not satisfactory just to hope that on a case-by-case basis the right decision might be made.

All the commission does — it doesn't receive any applications to enlarge or to take away development rights. It always sees applications that seek to develop some part of the escarpment. The pressure is always on. Quite frankly, we're dealing with an appointment to a commission that is there to protect the public interest, so when we have a candidate whose business it is to deal with clients who from time to time will be coming forward to make application before the commission, as we heard in the candidate's own words — in fact, I think it was Mr Chudleigh who commented about Durham Aggregates — it creates the potential for conflict. It is a problem, a problem that, sadly, has to be addressed.

The Vice-Chair: Further discussion?

Mr Pouliot: Is this clarification? Then I might have some comments, Mr Chairman.

Mr Cullen: Just on Ms Fraser, right?

The Vice-Chair: We're just dealing with Ms Fraser right now, yes.

Mr Pouliot: Okay. My understanding is that because of my role as a sub, I am here in a supplementary capacity. I have a voice, but no vote. Is that correct?

The Vice-Chair: That's right. Because of Mr Laughren's resignation from the Legislature and consequently from the committee, the New Democratic caucus representation is down to one. I'm it, but I'm in the chair, so you have a voice but no vote.

Mr Pouliot: You will understand that I am somewhat chagrined, but of course I will have to deal with that myself. I don't think it would make a big difference anyway.

Jacquelyn Fraser certainly convinced me that there was no possibility of conflict. In my opinion, she was very much aware, presented well, had a hands-on definition and the confidence of one role vis-à-vis another, and concluded by saying it is not the order of the day, that it doesn't happen on every issue. In fact, it was sporadic, from time to time; you would have to look at the possibility of conflict and undergo the appropriate scrutiny.

I see this as a coincidence more than a potential conflict in the case of Jacquelyn Fraser's application.

Mr Bert Johnson: I wanted just to put a few remarks on the record, if I could. One was that I found Jacquelyn Fraser well qualified and I found her eager and interested. Yes, she has represented developers in the past, if we put Durham Aggregates into it, but I don't see any more conflict in that sort of representation than if she had, for instance, represented Greenpeace in the same sort of area in her past.

I will be supporting this nomination.

Mr Agostino: On a point of order, Mr Chair, if it can be done: In view of the special circumstances, with the resignation and the gap, would it be appropriate — maybe

the clerk can answer — to move unanimous consent to allow the NDP to have a vote?

The Vice-Chair: It isn't, because it's not a question of the committee having the jurisdiction to do that; it's a question of membership in the House and therefore membership in the committee.

Any further comments? Then on the vote to approve the appointment of Jacquelyn Fraser to the Niagara Escarpment Commission, all those in favour? Opposed? Carried.

We'll deal with the intended appointment of Carol Lynne Reaney to the Niagara Escarpment Commission. Is there a motion to deal with that?

Mr Bert Johnson: I'll move concurrence.

The Vice-Chair: Any discussion? All those in favour? Mr Stewart: Could I request a recorded vote, please? The Vice-Chair: A recorded vote has been requested.

Aves

Agostino, Chudleigh, Cullen, Grimmett, Bert Johnson, Shea, Stewart.

The Vice-Chair: It's carried.

Is there a motion to deal with the appointment of Sam Luckhardt to the Niagara Escarpment Commission?

Mr Grimmett: I move concurrence.

The Vice-Chair: Discussion?

Mr Cullen: I'm not at all content to support a nomination that would, in the issue of the control areas, the areas the Niagara Escarpment Commission has jurisdiction over, advocate that those indeed be contracted. We know — we even heard from the earlier applicant we just approved — that there's tremendous pressure on the Niagara Escarpment in terms of tourism for development purposes, and it's clear to us that in a province that has a burgeoning population and increasing pressures for economic opportunity, all our environmental areas are under severe stress.

The purpose of the Niagara Escarpment Commission is to interpret and apply the Niagara Escarpment Planning and Development Act. In that act are the rules to safeguard against the undue exploitation of that natural feature. It's not simply protecting the face. Anyone who understands what planning is about these days understands that we're also dealing, in terms of environmental areas, with the ability to preserve it as an ecosystem.

I'm not suggesting today that we may want to expand the control areas, although I would be very interested in hearing from the larger community on those issues. In my own experience in Ottawa-Carleton — we've gone through an official plan review, and I doubt very much that the citizens of Ottawa-Carleton are much different from the citizens of the rest of Ontario. As we learned from the Lands for Life exercise, people in Ontario not only want to preserve the environmental areas we have today but want to enhance them, want to improve them. That kind of public debate I would welcome.

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But for the current instance, when we're dealing with development applications that seek to introduce new uses in the escarpment and we have an applicant who believes it's too big as it is, then right away we are introducing a bias into the workings of the commission that runs against the public interest as set out by legislation — legislation, I may add, that was introduced and passed by a government of a similar stripe lo these many years ago. So I think there's a conflict here in what the government is proposing in terms of the intent of the act and I therefore don't think it should be supported.

Mr Pouliot: On the nominee, Sam Luckhardt, I'll be quite candid. Twice it was mentioned, "I will be one of 17." I would feel immensely more comfortable, after listening to Mr Luckhardt, if, from an ecological point of view, he were to occupy a similar function in the great riding of Lake Nipigon, where we measure space, vastness on a different scale. You know that the riding I have had the honour of representing for the past 13 years, Lake Nipigon, the largest body of fresh water beyond the Great Lakes — you know the vastness, the grandeur of Lake Superior, and we go all the way to Hudson Bay, including the northernmost communities in the province of Ontario. Simply put, we're a thousand miles long, so Sam could play a bit more there. But when we're talking about the Niagara Escarpment and the desire to narrow the protected area, I for one am philosophically quite concerned. You are more fragile; there is not as much land diversity present as in our special part of Ontario.

I want to wish M^{me} Fraser and M^{me} Reaney quite well. Please be vigilant and be at your post should — and it looks that way — Sam Luckhardt, entrepreneur, farmer extraordinaire, with a vision to expansion, be appointed as one of your colleagues.

Mr Grimmett: I just want to say that I was impressed by Mr Luckhardt's responses to many difficult questions that I thought he received. I'm impressed by his background. I think the need for balance on the commission needs to be remembered. He brings to the commission, if he's successful, not only a background in municipal politics that clearly went on for a long time but also in agriculture, where he has been involved with a number of organizations that would certainly have enhanced his expertise, and I think that expertise will be very useful on the commission.

The Vice-Chair: On Mr Grimmett's motion — Mr Stewart: I request a recorded vote.

Ayes

Chudleigh, Grimmett, Bert Johnson, Shea, Stewart.

Nays

Agostino, Cullen.

The Vice-Chair: We move to Mr Sheppard. Is there a motion?

Mr Grimmett: I'll move concurrence.

The Vice-Chair: Mr Grimmett has moved concurrence in the appointment of Mr Donald Sheppard to the Social Assistance Review Board. Discussion?

Mr Agostino: Obviously, I have a great deal of concern with this appointment. As I said earlier, Mr Sheppard is a nice man. I know him, I know him well — he ran against me in Hamilton East — and I certainly know he did a good job in his capacity here at Queen's Park. Again, the concern is the shift on that particular board. This is the same board that a former Tory candidate in Thunder Bay, Evelyn Dodds, was appointed to by this government and continues to be a member of. You are stacking the Social Assistance Review Board with individuals who philosophically, politically and very openly agree with all the views of this government.

I think we're missing the point, that people go to this board once they've fallen through the cracks, once the government structure has failed them. Once the reviews and the supervisors and everyone else at the social services level has not been able to resolve their problems they go to this board, and now people are faced with the prospect of going to this board with individuals who, lock and stock, buy into the government agenda. That is absolutely devastating to individuals who would have to go to this board and think they are going to get a fair hearing.

My colleagues think it's funny. I don't think you've run into welfare recipients in the sense that you knew one, but very clearly that is the mentality that is being set here; that is the tone that is being set. You might as well send a message out to welfare recipients: "Don't even bother going to the board, because you're going to get nailed, you're going to get rejected."

Very clearly, no one is suggesting you appoint individuals who are not political. I am not naïve enough to believe that is the case. But there is appropriateness of appointments, even of political appointments. Clearly, in view of the nature of this board and the political views of the individuals you are appointing to this board, you are slanting the deck very heavily against welfare recipients. It is blatant political patronage at work here. This gentleman would not be in front of us had he not been a Tory candidate. Very frankly, this gentleman would not have been in front of us had we not the possibility of the position being eliminated.

I think it's a very dangerous message you're sending. You're sending a message very clearly to the civil service and to other individuals who are affected here that there's a double standard. But more dangerously and more importantly, you are setting a very dangerous precedent for the Social Assistance Review Board. You are stacking the board with individuals who clearly buy into the antiwelfare agenda of this government and are basically shutting the door on the possibility of any recipients who come forward. Frankly, I wouldn't want to go in front of Evelyn Dodds or Mr Sheppard if I was a welfare recipient, because I know what the answer would be: "Get out the door. The Common Sense Revolution says, 'We'll take care of you.""

This is wrong, and I believe this government should withdraw its appointment. If there is some other way you want to take care of Mr Sheppard, do that, but I think this particular appointment is wrong. It sends out a message

that I think is dangerous for Ontarians and for welfare recipients and frankly for the civil service.

Mr Pouliot: I am trying to be as non-partisan as I possibly can be, but there is a mountain of evidence. The spouse works full-time on the political staff — not with the ministry, but on the political staff. The candidate, the nominee, ran in the last federal election for the government of the day. A cynic would perhaps be encouraged to term this, Mr Chair, as the ultimate in political porkbarrelling, that the time to pay back has arrived. You do me a service — wink, wink, nudge, nudge — and let pecunia, the thirty pieces of silver, nowadays between \$70,000 and \$80,000 a year, be the reward for having been one of us.

It wouldn't be so bad perhaps if you weren't to meticulously look at the words, and they are a matter of record: "Yes, I do agree with everything that the Mike Harris government says and does, but I'm applying to be vice-chair of the Social Assistance Review Board, the less fortunate, the most vulnerable in our society. Well, I'm not applying to be a member of the board; I'm applying to be a commissar."

I can almost hear a click of the heels, and I choose my words rather carefully. This is beyond the obscene; this is porcine in terms of appointment. You must suit, slot the candidates for the job to which they are entitled. This is the public domain. Our society must reflect by way of appointment the street, what's out there: the most fortunate — us — and the less fortunate.

The timing is something else. Next it will be other friends and acquaintances, friends of friends and others. I have some difficulties because of this appointment, but I understand the privilege of a majority muscle in our system.

Mr Bert Johnson: Mr Chair, I have some comments I would like to add to the record about this applicant, because we have heard some very outrageous comments. One was on the particular background that would lead to this appointment, and I suggest that if Mr Agostino has had a great deal of problem with a person's background on that, he probably would have already made those opinions known to his federal chief, the Prime Minister of Canada. The pork-barrelling, as Mr Pouliot might refer to it, is not evident in this at all.

This position asks for enactment of a board for government policy. The legislation is there. It's not to make the policy; it's to enact it. I found this applicant knowledgeable, I found him sincere, I found he was experienced, and I'm quite willing to support his nomination to this position.

The Vice-Chair: We have Mr Grimmett's motion for concurrence in the appointment of Mr Sheppard to the Social Assistance Review Board.

Mr Agostino: Recorded vote.

Ayes

Chudleigh, Grimmett, Bert Johnson, Shea, Stewart.

Nays

Agostino, Cullen.

The Vice-Chair: That carries.

We now are scheduled to take a 15-minute recess. Unless I hear differently we'll do that and then come back and have Mr Morrison and Mr Collins in front of us.

The committee recessed from 1202 to 1226.

JOHN MORRISON

Review of intended appointment, selected by official opposition party: John Morrison, intended appointee as member and vice-chair, Social Assistance Review Board.

The Vice-Chair: I invite Mr John Morrison to come to the table. Welcome, Mr Morrison. We'll give you an opportunity to make any opening comments you might want to make and then we'll go around, with the three caucuses being given an opportunity to ask you some questions.

Mr John Morrison: I appreciate this opportunity to appear before the committee. This is actually the second time I've had occasion to experience this. I've been a member of the Immigration and Refugee Board for the past six and a half years, and in 1995 I was called to appear before the standing committee in Ottawa on immigration. I was nervous then; I'm nervous now. I think the same butterflies that were with me on that day have reappeared. I have prepared some notes to keep me on track and not waste too much of your time.

As I said, I've been a member of the board for six and a half years. It's a tribunal that hears claims of people who are claiming to be convention refugees. It's a quasijudicial tribunal. I was appointed in 1991 for a term of one year. On the recommendation of the IRB, I was reappointed in 1992. After the change of government in 1993, I was subsequently reappointed in 1994 and in 1996 by the present government on the recommendation of the Immigration and Refugee Board and the minister's advisory committee on appointments.

During my time at the IRB, I have tried to guide myself on the principles of impartiality and fairness. I've certainly learned a lot about the world, I've learned a lot about people and I think I've gained an appreciation of the importance of social assistance and what it means to individuals. Many of the people, if not most of the people, who come before me are receiving some sort of social assistance benefit from the province of Ontario and the Canadian government and they are very much appreciative of that. They often come from desperate situations where there is no such assistance in their home country other than perhaps that which is provided by the local church or, if they're lucky, a non-governmental organization.

I believe the nature of my work and experience on the Immigration and Refugee Board is applicable is directly relevant to the task at hand on the Social Assistance Review Board.

I've developed a number of abilities during the six and a half years which include the ability to understand, interpret and apply complex legislation and complex jurisprudence. I have the ability to conduct hearings impartially and fairly and in an expeditious manner, taking into account the particular circumstances of the person before me, including when they appear without legal representation, which is a whole new set of circumstances you have to deal with.

I'm able to focus my hearings on those issues that are determinative of the claim, so that we don't spend a lot of time on extraneous issues that have no bearing, and maintain effective control over the proceedings. I'm also able to assess great amounts of evidence and give weight to the evidence that is pertinent to the issue before me and the particular circumstances of the person concerned. Finally, I am able to formulate reasoned decisions based on the evidence that's before me and to give cogent reasons for that decision either orally or in writing.

As I said, I believe these skills directly relate to the job as a member and vice-chair of the Social Assistance Review Board.

Just before I finish, I'd like to draw your attention to page 2 of my résumé, which refers to some of the additional responsibilities I took on as a member of the Immigration and Refugee Board. I believe these indicate the energy and commitment I've brought to my position on that board. They also reflect the confidence and high regard those at the Immigration and Refugee Board hold for my abilities and the competence with which I've carried out my responsibilities, including being geographic team leader and all that entails, as outlined there, as well as participating in the training of other members on legal issues that have arisen through decisions of the federal court of Canada and at times the Supreme Court of Canada, and also acting as project manager of the task force that was established in 1995 to develop rules and practices for enhanced information gathering and to redefine the role of the tribunal member and the hearing officer and the relationship between those roles.

I'm proud of the work I've done at the Immigration and Refugee Board as a tribunal member, and I appreciate the opportunity I've had to serve Canadians. I look forward now to serving the people of Ontario as a member of the Social Assistance Review Board, with your concurrence.

The Vice-Chair: Thank you, Mr Morrison. We'll begin the questions with Mr Pouliot.

Mr Pouliot: Welcome, Monsieur Morrison. We too value professionalism and ethics.

You have elected to cite a valid parallel between the refugee board and the tenure you are seeking with the provincial review board for general assistance. Are you cognizant of the workload as to one vis-à-vis the other? How would they compare, in your experience?

Mr Morrison: My experience, the way I've treated my position on the Immigration and Refugee Board, is that it is not a 9-to-5 job. I realized that from the day I started. At times I've worked seven days a week. I'm not complaining about that. I understand that the workload on the Social Assistance Review Board is also very heavy, with a large number of hearings and a large number of decisions

that have to be written. We would not see as many hearings on the Immigration and Refugee Board, but they would tend to last longer and possibly be somewhat more complex or deal with a different set of issues. But I'm known as a producer on the Immigration and Refugee Board, as a very productive member.

Mr Pouliot: You certainly come well armed and well prepared. However, Mr Morrison, you did mention that there was a change of government and yet you were reappointed. From your tone, as a matter of information, you struck me as almost apolitical in this context. You stressed issues and research, documentation, substance, and that any political affiliation would be just mere coincidence or incidental. You are oblivious to most of that, are you not?

Mr Morrison: It would certainly have no relevance whatsoever to the performance of my duties. When I enter the hearing room, I enter there as somebody who is going to consider the evidence that's placed before me.

Mr Pouliot: I'm impressed with your presentation. If I was a member of the majority, it is people like you, because of what you have told us — I would be honoured to support your appointment. I'll be quite candid about it. It's exactly, in a non-partisan way, what the people of Ontario deserve.

Mr Morrison: Thank you very much, Mr Pouliot.

The Vice-Chair: To the government caucus.

Mr Grimmett: Mr Morrison, I want to commend you for putting your name forward. I see from your résumé that you've got a fair bit of detail about your time spent on the Immigration and Refugee Board. What did you do before that?

Mr Morrison: Before that I was a management and communications consultant working for private sector and public sector clients providing management consultant services, communications services, public relations services. Prior to that I worked for 11 years for an insurance company in a wide variety of jobs, including human resource management, systems development, public relations and marketing.

Mr Grimmett: When you were with the Immigration and Refugee Board, were you ever involved in any case management projects? It's seems to be quite popular these days for these kinds of tribunals to set up case management systems.

Mr Morrison: I have been involved in that. The 1995 task force experience led to a whole restructuring as to how the Immigration and Refugee Board conducted its business. So I was quite naturally involved in designing how claims would be handled from an administrative point of view on referral to the Immigration and Refugee Board.

After the completion of the task force work in September 1995, I continued to act as a — I hesitate to say the word "advisory," but I continued to act with the deputy chair in the further development and implementation of the model that we put forward. As you'll see on the résumé, that also involved working with staff members in developing procedures and forms.

Mr Grimmett: I asked the question because I've had the opportunity, since I became a member, to meet with a

number of chairs of provincial bodies. I was impressed with your comment that you're aware of the need to make decisions in a timely fashion and be prepared to present them orally or in written fashion. I've been told by those chairs that that is a characteristic they like to see in members on these tribunals.

Many of the provincial tribunals have backlog problems that they're trying to deal with. Were there any at the Immigration and Refugee Board? Did they have backlog problems?

Mr Morrison: Yes, they had and they do have backlog problems. I don't feel very comfortable commenting on what's happening at the Immigration and Refugee Board because I still am a member and I'm bound by certain codes of conduct, so if I'm not specific, please forgive me.

Just from a human point of view, timely decisions are important because it's important to the person concerned that they find out what the answer is in an expeditious and timely fashion, aside from the administrative problems that it causes.

Mr Grimmett: Any other government members with questions? If we could reserve the rest of our time, that's all the questions I have.

The Vice-Chair: Thank you. Liberal caucus, Mr Agostino.

Mr Agostino: Welcome, sir. Your appointment to the refugee board is up in December 1998?

Mr Morrison: My appointment is up at the end of May.

Mr Agostino: The end of May of this year. Will you be reapplying?

Mr Morrison: No.

Mr Agostino: Okay, thank you.

First of all, you talk about the timing, which I think is extremely important. As we look at the numbers that continue to rise, the number of cases that come before the review board over the last three or four years particularly, there's been a sharp increase in individuals who have come forward. Obviously the issue of timely decisions as the numbers go up is extremely important.

I want to ask you about that balance. Normally, when someone comes to that level already at the review board, from a legislative policy point of view that case has been reviewed to death in the sense of the worker, the supervisor, up to the commissioner having looked at that particular case. So from a legislative point of view it probably fits into the criteria as to the reason why the person has been denied social assistance benefits and so on.

Do you see your role as a vice-chair of this commission to not only look at the legislation but to also apply a little bit of common sense, and I don't mean political common sense, and some sort of approach that applies some compassion and understanding as to, "Why is this person in front of us, and is there a way that government can help this individual, rather than a strictly very narrow, definite application of the legislation?"

1240

I think if you simply apply the legislation there, chances are that 99.9% of the time the case will be rejected.

Would you see some flexibility, some role for an adjudicator to go beyond simply the strict legislative mandate that is in front of that case?

Mr Morrison: I'm at somewhat of a disadvantage because I'm not completely conversant on what discretion is available to a member, but I see the role as providing the applicant with a complete opportunity to present their case. But first of all, my role is to let them know what's expected of them, what the case is that they have to meet. It's a simple principle of natural justice, but it's an important one to follow, and it doesn't end at the beginning of the hearing. It continues throughout the hearing so that they know exactly what they're facing and what they have to overcome, if anything.

I have talked to colleagues who have served on the Social Assistance Review Board, and there are a number of them who have experienced certain cases where they have actually given the opportunity for the municipality and the applicant to solve their differences before the hearing begins and have been quite successful in doing that. So I think there may be some opportunities for what you say.

Mr Agostino: Just quickly, along the same lines as my colleague Mr Pouliot, at the same time I very much think the appointment in front of us is a very good one. Again, we may disagree on particular appointments, but when the good ones come forward as well, I think credit should be given. In this case, this gentleman appears to have the qualifications and the expertise. I think it is refreshing to have individuals such as yourself, and I am pleased that you are here.

I'll give the time to my colleague.

Mr Cullen: Thank you, Mr Morrison, for applying for this position. I share my colleagues' comments here. Certainly as I read your résumé, it seems you are extremely well qualified for this position. How did you find out about this, may I ask?

Mr Morrison: How did I find out about the position?

Mr Cullen: Yes.

Mr Morrison: Through discussions with colleagues who are presently on the board — former colleagues, I should say.

Mr Cullen: Former colleagues, okay. We dealt earlier with an applicant for this board who was a Conservative candidate, president of a Conservative riding association and still active in the party, and we're about to deal with another candidate for this board who also was a Conservative candidate and active in the Conservative Party. May I ask you if you have been a candidate or have been active in the Conservative Party?

Mr Morrison: I have not been a candidate. I have been active in the past in the Progressive Conservative Party of Canada and of Ontario. I have not been for the past six and a half years, as it's precluded by the code of conduct, which I understand is the case in Ontario under the Ontario legislation as well.

Mr Pouliot: You have suffered enough.

The Vice-Chair: Any further questions? Thank you, then, Mr Morrison, for appearing.

DOUGLAS COLLINS

Review of intended appointment, selected by official opposition party: Douglas Collins, intended appointee as member and vice-chair, Social Assistance Review Board.

The Vice-Chair: I call next Mr Douglas Searle Franklin Collins. Mr Collins, welcome to the committee. We'll give you also an opportunity to make any opening comments you might have, and then we'll proceed with questions, starting with the government side.

Mr Douglas Collins: I would like to thank the committee for having me here today. Just as a brief introduction, as you will see from my résumé, I am currently a program supervisor with the Ministry of Community and Social Services. I work in the Ottawa area office child care unit. Half my time is spent doing systems and program management with the child care agencies in Renfrew county, and the other half is spent managing the child care wage subsidy system for our catchment area, which covers eight counties from Cornwall to Pembroke.

I was born and raised in Thunder Bay and have spent the last 18 years in Nepean, in the Ottawa-Carleton area. I received a bachelor of arts degree from Lakehead University in psychology and sociology. I did one year of postgraduate studies in speech pathology and audiology at the faculty of rehabilitation medicine at the University of Toronto.

I've been involved in social services for 30 years and 24 of those years with the Ministry of Community and Social Services in the community programs division.

I was a city councillor in Nepean from 1991 to 1997. While on council I chaired two major portfolios. I was the chairman of planning and economic development for the city of Nepean and the public library board.

The position for which I'm being reviewed here today offers me a great opportunity to utilize my social services and government experience which I have gathered in my various positions over the past 30 years.

My strong background in the area of social services and public service administration, my experience in interpreting and applying legislation, my familiarity with the administrative systems in Ontario, coupled with my sense of fairness and professional integrity, provide me with the skill base I believe is necessary to undertake this task as a member and the vice-chair of the Social Assistance Review Board.

I'm honoured to be recommended by the government for a three-year appointment. It is with my background and a willingness to contribute to Ontario that I take on this tremendous responsibility.

The Vice-Chair: Thank you, Mr Collins. Questions from the government caucus?

Mr Grimmett: Mr Collins, from your information here it looks like you've had a long career with the public service. I take it you're not of retirement age?

Mr Collins: I'm not retiring?

Mr Grimmett: You're not of retirement age?

Mr Collins: No, I'm not.

Mr Grimmett: Why, then, would you apply for this kind of position?

Mr Collins: It was of interest to me. I've known of the social services tribunal that has existed and I ran for mayor of the city of Nepean and wasn't successful, and had some time and decided I would take a change in what I was doing.

Mr Grimmett: Have you given any thought to what would happen, if you're successful in the appointment, with respect to your current job?

Mr Collins: My current job? I've applied for a leave of absence that would take effect as soon as this appointment would happen, so I would be on leave at that point.

Mr Grimmett: Have you any experience in appearing before this or other tribunals of this kind?

Mr Collins: Yes. I appeared before a legislative committee that appeared in Ottawa.

Mr Grimmett: I'm talking about an administrative tribunal. Do you have any experience appearing before administrative tribunals?

Mr Collins: No.

Mr Grimmett: Any other questions? No.

Chair, if we could reserve the balance of our time?

The Vice-Chair: Okay. To the Liberal Party.

Mr Cullen: I'd like to welcome Doug to this committee. Mr Collins, in your extensive résumé here where you've described both your employment and municipal and community experience — perhaps you could confirm to the committee those salient points that this committee is always interested in, in that you were a Conservative candidate in the provincial election in 1995 in Nepean and a candidate for the Conservative federal nomination in Nepean-Carleton.

Mr Collins: That's not quite right. I was the candidate for the Conservatives for Nepean in 1990 and I was a candidate for the federal position — not a candidate but —

Mr Cullen: To be the PC candidate federally, that's right.

Mr Collins: Yes.

Mr Pouliot: Mr Mulroney.

Mr Cullen: No. I think the leader then was Mr Charest.

Mr Agostino: Are you talking about for the Liberals in Quebec?

Mr Cullen: That's the one.

I'm very much interested. I've reviewed your experience here, and I understood in your response to the government side that you would be taking a leave of absence from your current employment, which is with the Ministry of Community and Social Services. There are two aspects that concern me. One is, how would you deal with those cases that you've had some experience with in your current job as they go before you in the Social Assistance Review Board? Would you not view that as a conflict of interest? Would you not have to disassociate yourself from those cases?

1250

Mr Collins: I don't think I'd be in any greater conflict of interest than, for example, a lawyer who was elevated to a judge's position who would thereafter have to hear cases presented by their former law firm.

Mr Cullen: I'm afraid there is a conflict of interest there.

Mr Collins: As a career public service employee I've never worked in the income maintenance service or the direct service division of the ministry, nor have I really, in my past 24 years, had a great involvement with that section. As you know, the ministry is divided into —

Mr Cullen: But you do deal with child care spaces that are subsidized.

Mr Collins: Yes, I have.

Mr Cullen: Indeed, moving from a government employee who is there to enact the government policies to a tribunal which therefore must adjudicate the cases that are brought before it and interpreted, interpret in an impartial manner government policies. In my opinion, if you have had a previous experience with an applicant because of their involvement with subsidized child care spaces, I would personally view that as a conflict of interest. But you yourself, being an experienced municipal politician and being fully aware of the Municipal Conflict of Interest Act, would be in a position where you are interpreting government policies, Ministry of Community and Social Services policies as enunciated by the minister, yet expecting to be able to go back to that minister's employment. What is your view of that in terms of conflict of interest under the Municipal Conflict of Interest Act? That would be a conflict of interest.

Mr Collins: Municipal conflict of interest really only falls in terms of the pecuniary conflict, and if you have a chance of gaining on a pecuniary basis, then you have to declare it a conflict.

Mr Cullen: Come, come, Mr Collins. You've had situations where you've declared conflict of interest at the city of Nepean because you were an employee of the Ministry of Community and Social Services.

Mr Collins: As a matter of fact, I've never had to declare conflict of interest.

Mr Cullen: But anyone whose employer had a case before an adjudicative body, that employee holding that adjudicative position would, under the Municipal Conflict of Interest Act, declare that conflict of interest.

Mr Collins: At the city of Nepean we didn't deal with social services cases. That was all dealt with at the regional level, so I never had to declare a conflict of interest.

Mr Cullen: But the principle is clear. Surely you acknowledge the principle, and if you were an employee of an agency coming before an adjudicative tribunal, you as an employee and as a member of that adjudicative tribunal would have to declare a conflict of interest. That's clear under the Municipal Conflict of Interest Act, is it not?

Mr Collins: It is if you are in a conflict, and I will not be in a conflict as a person who has taken a leave of absence from the ministry. As you know, the leave of absence from the public service policy says that you can take a leave of absence to run for a political office, and when you are on a leave of absence you therefore can speak on public policy. Up until then you cannot under the Public Service Act, and really, once you've taken the leave of absence, you are out of conflict.

Mr Cullen: Having gone through that myself, having been a former public servant and having taken that route — you and I also know that upon election we are deemed to have resigned from the public service.

Mr Collins: That's right.

Mr Cullen: Here is a situation where you're going to be appointed to a role where you are interpreting ministerial policy, yet you hope to regain your position in the ministry at the end of your term. Now, here's a situation where you're going to be judging on the work of your peers, your fellow managers in the area office, their decisions on the cases in the community that you have experience in, in dealing with the work you've done for the Ottawa-Carleton area as well as the larger area you described. So these issues are going to come forward, you're going to know the people on the other side; you're going to have a previous working relationship with the other side which you hope to maintain after your appointment. Is that not a conflict of interest?

Mr Collins: Not at all, because of my professional background. What you do is you listen to the cases and you make the decision based on the information that's before you. It has nothing at all to do with who is presenting from the Ottawa area office or in another case from a municipality. It really has nothing at all to do with that. What you're doing is you are listening to the case that is presented and you are weighing the evidence that is being brought before you. It really has nothing to do with the individuals on the other side of the table, nothing at all to do with that.

Mr Cullen: Mr Collins, you are telling this committee that after 20 years of working for the ministry, 20 years of following the minister's direction in terms of implementing policy, when you go to an adjudicative body that is supposed to interpret those policies and you hope to gain employment afterwards, at the end of your term, that is simply not a conflict of interest.

Mr Collins: No, it's not. If you look at the job —

Mr Cullen: That's fine, Mr Chairman.

The Vice-Chair: Mr Collins, go ahead if you want to respond.

Mr Collins: I was just going to say, if you look at the job of a public service employee, they do not set the policy; they interpret the policy. If you look at the job of the tribunal, they do not set the policy; what they do is they interpret the policy and apply it to the individual.

The Vice-Chair: To the NDP.

Mr Pouliot: I need your help, Mr Collins, and if at times I have some difficulties in articulating or expressing, again I will need your help. You mentioned in the form of an answer that you had been a candidate for the Progressive Conservatives.

Mr Collins: Yes.

Mr Pouliot: Was this both federally and provincially?

Mr Collins: Well, provincially I was a candidate; federally I was seeking the nomination. I was not a candidate; I was seeking the nomination.

Mr Pouliot: What riding was that?

Mr Collins: Nepean.

Mr Pouliot: You were born and raised or spent many years in Thunder Bay.

Mr Collins: That's my home or that's where I was born and raised.

Mr Pouliot: I live 400 kilometres northeast of Thunder Bay. You possess good judgement. If you were to run as a Progressive Conservative in Nepean, that would present one with perhaps more opportunities than the great northwest where we reside. So you would know the difference between Manitouwadge and Manitoulin.

Mr Collins: I know Manitouwadge quite well. I don't know Manitoulin as well.

Mr Pouliot: I could spend a lot of time, but let's go back to your —

Mr Collins: I can even pronounce Kakabeka Falls correctly.

Mr Pouliot: Yes, very well indeed.

You have toiled or laboured — what is it, I heard 20 — but 30 years as a —

Mr Collins: Well, 24 years with the public service, but if you look at my work with the Oshawa and District Association for Community Living, I was their residential director for three and a half years. Then, before that, I worked for N.M. Paterson and Sons Ltd, a steamship company, but they were very much into community services and I did a lot of work with travelling youth and youth hostels in Fort William. As a matter of fact, Lyn McLeod and I sat on a committee together in Fort William 30 years ago.

Mr Pouliot: Thank you for the reference. It scores very heavily with me.

Mr Collins, 24 years and you would be seeking a leave of absence. I'm not imputing motive and please forgive me for the background, because you get to be the influence of the milieu. Since this morning we've had a parade, a litany of hacks, of people who evaluate better under the cover of darkness. So now they come out of their bag, see things and say: "Well, I met my main man. I did you good. Remember, if friends come calling, I want an appointment."

I know you're not like that, sir. You would seek a leave of absence from your civil service tenure. Would you still be allowed to contribute to the pension plan there?

Mr Collins: What I've been told is that it just continues on. You're not in the civil service but they use the same plan as the civil service. You actually end your time with the civil service and —

Mr Pouliot: We're among friends, Mr Collins. I'm not so terribly disciplined and so on. You must be close to factor 80.

Mr Collins: Yes, I am. I missed factor 80 by six months.

1300

Mr Pouliot: Oh, well, that's not a problem here. "We can help." Should you be successful, how long will the appointment be for? Do you know, Mr Collins?

Mr Collins: It's three years; then I hope there will be

another reappointment.

Mr Pouliot: So it's 24 years plus three; that's 27 years. Using the multiplier two, that's 54% of the average of your most lucrative five, fully indexed. Am I right?

Mr Collins: The best five years, I'm told, yes.

Mr Pouliot: The best five years, the average of that. It's not a conflict, it's double-dipping I'm concerned about.

Mr Collins: But I can't access the pension, because the 80 factor ends in the year 2000, this appointment doesn't end until the year 2001. Therefore, the next factor that comes in is the 90 factor. I'm short, even on an appointment, to get the 90 factor.

Mr Pouliot: You would have to pay a small penalty, but look at it this way: With respect, Mr Collins, you cannot access it, but in the meantime Revenue Canada won't come calling at your door, because you'll be getting

between \$70,000 and \$80,000.

What concerns me a great deal, because I heard the Premier — it's so vivid, it could have been said this morning. You see, you have a civil service tenure. That's not a cross to bear; it's something you're proud of and you bring it forth in your application.

Mr Collins: Absolutely.

Mr Pouliot: We have 8.5% unemployment here, good capable people like yourself. You go from there, you keep contributing to your pension. In fact, you take a leave of absence. Then you serve three years as your tenure, for which you get between \$70,000 and \$80,000 per year. The Liberals are concerned, rightly so, my friends, colleagues, about conflict of interest. I'm concerned about the proximity of the two tenures, that the bridging is done so easily that it's almost seamless. I have some difficulty with that, not because of you but because of the closeness; it is an amicable arrangement. I'm not imputing motive. But answering conflict, you've almost mentioned that at the municipal level you stand to benefit by virtue of your tenure. But perception of conflict and the fact that you can go from one and you can — if I may be so bold, it gives the perception of double-dipping. The people out there, the great jury out there, would have some difficulties. I forgive you for having been a candidate for the party of the right.

Mr Collins: Thank you.

Mr Pouliot: But in terms of your association with civil servants, it's too much like kissing cousins. That kind of relationship may take on extraordinary proportions.

The Vice-Chair: Over to the government caucus.

Ouestions? Anything else? No? All right.

Mr Agostino: I just want to go back to the issue of a conflict, or a perceived conflict. You will be on leave, but you will still be employed by Comsoc.

Mr Collins: No. Virtually what happens is that you end your employment on the leave of absence. It's a leave

of absence without pay and benefits. They will then consider it in three years. A variety of things can happen in three years. I could leave.

Mr Agostino: But your job would be there with Comsoc at the end of that time period?

Mr Collins: It may be.

Mr Agostino: I just want to go back to that. You're going to be dealing with, again, Comsoc — single parents, children and so on. You would be there sitting and possibly having to make judgements against your employer that is holding that position for you. Your employer still holds that position, you still receive the benefits outside of salary and so on as an employee of Comsoc, and you would be sitting there in judgement and possibly ruling against the ministry that employs you. Either way you fall on decisions, it opens you to — if you fall in favour of Comsoc, you could be accused of basically just siding with the people who employ you; and if you're on the other side, it could also be seen as going against your employer.

Mr Collins: Not necessarily. As professional civil servants, we do that all the time: We make decisions. For example, Mr Cullen mentioned the child care subsidy. We make decisions all the time that sometimes fall against the ministry or with the client. You have to do this in the most professional fashion, weighing the evidence the client presents, weighing the evidence the municipal individual or the civil servant presents, and you make a decision. Sometimes it's with them and sometimes it's against them.

Mr Agostino: And you don't think you have to declare a conflict?

Mr Collins: No.

The Vice-Chair: I'm sorry, that's the time we have. Thank you very much, Mr Collins, for appearing.

We're going to move now to concurrence. Can we deal first with Mr Morrison.

Mr Grimmett: I move concurrence on Mr Morrison.

The Vice-Chair: Discussion? Mr Stewart: Recorded vote.

Ayes

Agostino, Chudleigh, Cullen, Grimmett, Bert Johnson, Shea, Stewart.

The Vice-Chair: That's carried.

On to Mr Collins, intended appointee to the Social Assistance Review Board.

Mr Bert Johnson: I move concurrence on Mr Collins's appointment.

The Vice-Chair: Discussion?

Mr Cullen: First of all, I want to say that I think if Doug Collins were leaving the Ministry of Community and Social Services, he would be an excellent candidate for this position. The problem is he's not leaving the Ministry of Community and Social Services. As a matter of fact, he expects to be reappointed; that's an expectation we may all dream about. But he certainly expects to have the option of coming back to the ministry should his appointment not be renewed. Therein lies our problem.

The issue is that he is going to be dealing with cases involving former colleagues, the colleagues he hopes to work again with in the ministry. In fact, he is going to be interpreting ministry policy for an employer that he hopes to work again for. Any lawyer taking a case to the Social Assistance Review Board would be able to file a motion claiming an apprehension of bias simply because Mr Collins, being an employee on leave of absence, still expects to gain the benefit of that employment once his term ends. Consequently — and there's no escaping this — there is the apprehension of bias.

I'm sorry. He has tremendous experience. If he was leaving the ministry — I'm not going to quarrel about being a previous candidate; I've been a previous candidate. That's not a barrier to these positions; we know that — he would have fallen under the exit criterion that the government is talking about, the post-employment code of conduct that the government is talking about, and presumably having been sanitized through that process would be available for appointment to this position.

If there's a reason to sanitize people leaving the government on the basis of the experience of their employment in the government, you cannot go around it by simply saying: "They're on a leave of absence. We've taken care of that." This is the problem we have. The government cannot seek to circumnavigate the issue of bias, the issue of conflict of interest, by appointing a current public servant within a ministry charged with implementing the act, under whose jurisdiction the Social Assistance Review Board exists, cannot be appointing that public servant to that position simply because that public servant has taken a leave of absence.

That public servant would not take that leave of absence if there was no guarantee of a position after the term of office. I'm not talking about the specific job; I'm talking about any job in the Ontario public service. In other words, if we asked the question to Mr Collins, "Would you leave your job to take this?" — and I'm sorry I wasn't able to ask that question — I don't know what kind of answer we'd get. That would be the more appropriate question to ask and to receive an answer, "Yes, I am," because then there would be no apprehension of bias, no appearance of conflict of interest.

This is a significant thing, because the people who go before that tribunal have the expectation of impartiality. They expect that the people who are there are going to look at their case and judge it free of any pressure, free of any inherent expectation of future gain. Being reemployed by the ministry, as much as Mr Collins is perfectly qualified — and if he came back the ministry would be perfectly happy to have him there; he's done an excellent job in Ottawa-Carleton. But the fact is that his hopes of returning to his job depends, really, on his performance on the board.

1310

That's wrong. When the ministry is both a party at the board and yet the putative employer of the member of the board, you cannot avoid the charge of conflict of interest, of apprehension of bias. So I say to the government: This

is not a good idea. This is a bad precedent. This is a precedent where were we the government, you would be in flames over it, where were the other party in government, you would in flames over it.

All I am saying in this regard is that even though all of us all around this table acknowledge that Mr Collins brings to this position excellent qualifications, by the fact that he still remains employed by the Ministry of Community and Social Services and expects that employment to continue, therefore we have to reject this appointment.

Mr Pouliot: Mr Collins, life is filled with ironies and twists, those of fate and others. What a fascinating world we live in and what a peculiar position you find yourself in.

You see, some people think — and I don't necessarily subscribe to it — that because you're an employee and we all like to please the boss, that since we're coming back, this could impair a tenure, which is a very, very delicate tenure. I know you can't say it, but I can. You implement the policies of the government presently. There you are at arm's length; You are quasi-judicial. The policies of the government, whether you subscribe to them or not — but it's just the daily bread, things that you do daily, and repeatedly you've said you were able to differentiate. But then you do carry inevitably a little bit of luggage. Certainly you agree, but that's not for me to impute and to go beyond. It would be totally unfair.

You see, I know that all governments hate poverty, but they go beyond. This government hates the poor. They've targeted the less fortunate as they go on and do their thing with the food chain. They see them as the plebes. They see them as the less worthy. They see them as opting for a choice, that's it's their fault. Nice, huh? And they encourage that. They touch every pulse and they have been mean-spirited; not individually, but as a government they have been mean-spirited.

You're asked to serve on the Social Assistance Review Board. Yes, why don't you quit your former tenure? I know we need security of employment and I can understand that. That's how I got my job, because there was no security. I think you are a good and honourable person and you come with experience, and if I had a vote I would reluctantly — and I say this for what I've said before wish you well and I would go with your tenure. I think you will be a good member. But my God, you have to be a Good Samaritan to avoid seeing conflict, if you wish to see conflict. Your position is borderline, your tenure, that is, it's so closely aligned and yet it has to be — it could be the Liquor Control Board of Ontario, okay, but no, it's the Social Assistance Review Board. It's the same bed, Monsieur. That's too close for comfort as far as I am concerned.

Mr Bert Johnson: I had a few comments that I wanted to put on the record because I found this applicant truthful and forthright. He had good, simple explanations of some complex issues that some were either unwilling or unable to understand. This man is taking a leave of absence for his job. He's leaving his job clean, and all of those things

that go with the job. That is a foundation of collective agreements in this province.

I am appalled that the members of the Liberal and NDP caucuses would come out and openly criticize those sections of collective agreements, not only OPSEU, which I assume he might belong to, but CUPE, the Steelworkers, the UAW. All of those groups count on that foundation that when you want to try something else, you take a leave of absence. You go to the other job clean, and if it works out or doesn't work out, then you go back to your other job clean and it is there for you. That is part of the collective agreement. I am literally appalled that some would be arguing against those things. It's actually too bad that the two reporters who were here this morning aren't here this afternoon to put that on the front page of the Star tomorrow.

I did want to say that when this applicant takes his leave of absence he will not be a recipient of any influence or policy or benefits of his prior job, except those that are given to everybody when they take a leave of absence from that particular group. I see absolutely no conflict in that and I see absolutely no benefit in making him resign. Would that lead to any lesser conflict? Not one bit.

Should we in fact then make policy in the province of Ontario that as soon as somebody wants to take advantage of a temporary position, if he decides to go, to say, "No way, you're fired"? Wouldn't that be a great expectation for employees in this province. I have absolutely no problems in recommending this applicant.

The Vice-Chair: Any further comments? On the motion by Mr Johnson to concur in this appointment —

Mr Cullen: A recorded vote.

Aves

Chudleigh, Grimmett, Bert Johnson, Shea, Stewart.

Nays

Agostino, Cullen.

The Vice-Chair: That's carried. That then concludes the business we have before us today. I want to thank the members for your cooperation today. I know it's been a long day. Thanks, everyone. We stand adjourned.

The committee adjourned at 1318.

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Wednesday 8 April 1998

Standing committee on government agencies

Intended appointment

Journal des débats (Hansard)

Mercredi 8 avril 1998

Comité permanent des organismes gouvernementaux

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COMITÉ PERMANENT DES

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 8 April 1998

Mercredi 8 avril 1998

ORGANISMES GOUVERNEMENTAUX

The committee met at 1002 in room 228.

SUBCOMMITTEE REPORT

The Acting Chair (Mr Rosario Marchese): I call the meeting to order. We have a subcommittee report. I'm not sure if people have had a chance to review that. If you did, we just need a motion to approve the subcommittee report.

Mr Bill Grimmett (Muskoka-Georgian Bay): So moved.

The Acting Chair: Moved by Mr Grimmett. All in favour?

Mr Gerry Phillips (Scarborough-Agincourt): Just a question, Mr Chair. We're very anxious about the Ontario Trillium Foundation. I see in the latest quarterly financial statements that they've been given \$1 million of taxpayer money to transform the Ontario Trillium Foundation into an agency which will distribute video-lottery-based funds up to \$100 million. We're anxious to chat, obviously, with the board. I'm just curious about why there's not a time for one of the requested directors to appear.

Clerk Pro Tem (Ms Donna Bryce): The office has been trying to schedule Linda Thom for April 15. There is some question right now as to whether she'll be able to attend at that date. The deadline for her to be interviewed doesn't expire until April 22, so if the House doesn't return prior to that time there's one more Wednesday to schedule her in. If we know that the House is coming back, then at the meeting on April 15 the committee can determine whether or not they want to seek unanimous consent to extend the deadline for that particular appointment. You've got another week to sort that one out.

Mr Phillips: We'll meet on the 15th and she has until the 22nd to appear?

Clerk Pro Tem: Right.

Mr Phillips: It's possible we could meet on the 22nd, I guess you're saying. Is that right?

Clerk Pro Tem: I think the 20th is the Wednesday.

Mr Phillips: I added seven to 15.

Clerk Pro Tem: You're right, it would be the 22nd. Sorry.

Mr Phillips: Have you got that, Rosario? Have you got your calculator there?

The Acting Chair: I'm not going to be here, but let's look at this.

Clerk Pro Tem: It's the 22nd.

The Acting Chair: The 22nd is a Wednesday.

Mr Phillips: Fine. Just as long as we have a chance to chat with all these directors. Thank you.

Mrs Marion Boyd (London Centre): Donna said something about it being just one of the directors that you were going to speak to?

Clerk Pro Tem: Yes. There's only one so far who has not confirmed for the 15th.

Mrs Boyd: Who has not confirmed. I'm sorry. Thank you.

The Acting Chair: On Mr Grimmett's motion, all in favour of the subcommittee report? Any opposed? That carries.

INTENDED APPOINTMENT

DAVID BROWN

Review of intended appointment, selected by official opposition party: David Brown, intended appointee as member and chair, Ontario Securities Commission.

The Acting Chair: We welcome you, Mr Brown, to this committee.

Mr David Brown: Thank you, Mr Marchese.

The Acting Chair: We usually allow people to make some comments by way of opening remarks if they want to and we offer you that opportunity if you would like.

Mr Brown: I would welcome that opportunity, Mr Chairman. I thought I might spend two or three minutes just summarizing my experience and qualifications, perhaps to give the committee some idea of why I may have been asked to take on this responsibility.

For the past 30 years, I have been a lawyer in private practice here in Toronto. Although in the course of that time I have been involved in a great number of different matters, a wide range of different matters, I think the focus has been principally on corporate finance and capital markets. That has involved pure securities-type transactions, prospectuses and issuing and distribution of securities, and it has also involved takeover bids, a fair amount of banking regulation and generally any part of the practice of law that involves raising capital for corporations.

In addition, throughout that period I have spent a fair amount of time advising the provincial and federal governments on various policy matters. I have been fortunate to serve on a couple of task forces on policy matters and

have advised on legislative matters, indeed have assisted in drafting legislation.

In recent years a large part of my practice has been involved in advising boards of directors and special committees of boards of directors on various strategic issues involving mostly public corporations. I have been a partner at the same law firm now for 28 years. It's the Toronto law firm of Davies, Ward and Beck. I think it is considered to be one of the leading firms in the corporate securities field in Canada.

I joined the firm in 1969 and I was the 12th lawyer in the firm. We now have well over 100 lawyers. I believe I have participated in the shaping of that firm and the growth of the firm. I'm also, I think, a product of the environment of that firm.

I have been teaching advanced business law for the last seven years now to the third-year law students at Osgoode Hall Law School, and much of that course has involved securities regulation.

I have had some community involvement. For several years I was a member of the board and the vice-chair of Princess Margaret Hospital, which is a large cancer facility here in Toronto. I also was on the board of the Toronto Hospital, which is a teaching hospital right across the road from Princess Margaret, and in fact assisted with and was instrumental in merging the cancer facilities of those two hospitals to create what is now the largest cancer facility in the world. I am now the chair of the cancer facility. That's a volunteer program.

I'm also a member of the board of the Royal Agricultural Winter Fair and chair the finance committee.

I'm married and I have four grown children. I live on a farm in a small community north of Toronto. That's my life in three minutes.

The Acting Chair: Thank you, Mr Brown. We'll begin with questions and we'll start with the government members.

Mr Grimmett: How about starting with the opposition?

The Acting Chair: The government members defer questions.

Mr Grimmett: We'll reserve our time, if we could, Mr Chair. You have caught us off guard.

The Acting Chair: Okay. Mr Phillips.

Mr Phillips: How do you plan to proceed? Do we split the time?

The Acting Chair: You have 10 minutes each, opposition, and government members will have about eight minutes to ask their questions.

Mr Phillips: I appreciate your being here, Mr Brown. You have a fine reputation in the business community, so that's not in question at all.

The reason we were anxious is that I happen to think this is one of the most important bodies in Ontario. So many people now have their own self-administered pensions. They are investing in the markets, and the security of the marketplace — the equity markets and the financial markets — is extremely important. I don't want to put added pressure on you, but you've got a huge

responsibility, in my opinion, and it's changed dramatically even in the last 10 years. There are just so many more people now whose retirement relies on the security of the market.

1010

I was just anxious to get some of your views on some of the issues. Hopefully you can comment on them. I think there are many who feel that we should be looking at a national securities commission in some form or other rather than the proliferation — have you any view on that?

Mr Brown: I agree with you. I think national treatment of the securities industry is very, very important. I know there was an initiative a few years ago to try to create an actual national securities commission. For reasons that I'm not fully familiar with, it didn't proceed. But what the securities administrators across the country have done, and I think it is a very worthwhile initiative, is to try to at least administer the securities rules across the country as though there were a national securities commission. I don't know whether it's the press or they themselves who have dubbed it as a virtual securities commission.

Essentially, what they're trying to do is to allow issuers and investors who have contact with the securities regulatory system to have only one point of contact. As it stood before this initiative took place, if an issuer wanted to raise capital across the country, the issuer had to deal with all 10 provinces and indeed perhaps the two territories as well in order to be able to have a successful issue. What the administrators have put in place is that an issuer in those circumstances would go only to a single jurisdiction, a principal jurisdiction, usually where the issuer's head office is, and the commissions would then take the responsibility for dealing with one another across the country. That's been in place now for two or three years. There are still some bugs being worked out of it, but from a practitioner's point of view, I think that initiative has been very worthwhile.

They are moving on to the second and third stages of that, because all of the participants in the capital markets must be registered. Again, if a registrant wants to deal in more than one province, that registrant has to qualify in all of the provinces. This virtual securities commission is being extended to that and it's also being extended to the process of discretionary exemptions from securities laws. When all of this is in place, I think there will indeed be a virtual securities commission. Whether that will then lead to a national commission or whether it will obviate the necessity of a national commission I don't know at this stage, but it's something that I very much want to be part of.

Mr Phillips: Good. I hope we keep pushing the envelope, as they say.

The mutual funds industry has grown dramatically and, as I say, has a huge share now of retirement funds. Have you had a chance to look at the new code that's been brought in? Do you have a view on whether you think that's as far as we need to go, or is this an interim step?

Mr Brown: I just have a very broad understanding of the new code. I've read the new code. I wasn't obviously part of the deliberations behind the scene as that code was put in place.

The mutual fund dealers, those who interface with the public, have not been regulated nearly to the same extent that other dealers in securities have been. Securities sales forces have been subject to regulation for many, many years and there's been a different regime for the mutual fund dealers. It's been a voluntary code, I think, for many years. I believe the thinking has been that the mutual fund dealers, who as you say have become very, very important in the financial needs of Canadians, should also be regulated in their sales practices.

I'm actually meeting with the executive director of the Investment Dealers Association later today, and early next week with the executive director of IFIC, which is the Investment Funds Institute of Canada, just to get their views as to how they see this system progressing and whether we've gone far enough, whether we've got it right yet.

Mr Phillips: Speaking personally, I would urge you to put some priority on that. In a rising market there's lots of smiles. When the markets are such that they don't consistently rise and start to slow down a little bit, I think there's a risk of people — and I just hope you take a good look at it.

The budget has been around \$20 million a year for the commission for the last several years, and I believe the budget will be roughly \$31 million in the fiscal year we've just started. The revenues raised last year were around \$46 million. I'm just not sure of what the expectation is of the securities commission now. Are you still expecting to raise \$45 million to \$46 million and spend \$30 million, or are you planning to reduce fees?

Mr Brown: The intention is that fees will ultimately be reduced. The commission has taken in fees that have considerably exceeded the amounts that the commission has been permitted to spend. Now with self-funding status, which means that the commission, with some guidance from the ministry, will be able to spend a much larger proportion of the fees, there is quite a bit of work to be done in order to get human resources and systems in place to do a proper job.

I believe the expectation is that the current fee level will provide much more money than is required to do a proper job and that over time, perhaps not this year but in coming years, the fee levels will then be reduced so that there's an equilibrium between what the commission needs to do its job and what it raises from the industry, the very people they are regulating.

Mr Phillips: Is the expectation that you will run a surplus this year then?

Mr Brown: I think the expectation is that there will be a surplus in fees, yes. My understanding is that on a periodic basis the surplus fees come back to the ministry, and that will continue until this equilibrium I talked about is reached.

Mr Phillips: You've had a chance to sort of reach a preliminary conclusion which suggests that you think at

somewhere around \$30 million you can staff it adequately. Is that a fair interpretation?

Mr Brown: I've seen the budgets and I've talked to the directors, the heads of the four departments. I've talked to them about their staffing needs. It's a little early for me to know whether they've got it just right yet and I'm not sure they know themselves. They're talking about adding additional people in various areas. I don't know whether many people will be required. Whether there's a way in which the systems can be improved and fewer people will be able to do the job, it's a little early for me to get into that, but I intend to become very much part of that process.

Mr Phillips: I will again say how important I view your job because I happen to think that for our financial community to compete globally, an important element of that is confidence in our stock exchanges and in our equity markets. I view your role over the next five years as quite important to the province.

To kind of summarize to make sure I've got your interpretation right, on the national securities commission — I don't want to put words in your mouth — I think you're saying, directionally yes, the virtual national securities commission done electronically is a good first step but that you're open to ultimately, if it makes sense, a national securities commission that on the mutual funds — you're not totally familiar with all the rules, the code, but it looks like a good first step. My own view is I think that should be a priority in the short term because I do worry about that.

On the budget, you're speculating that somewhere around \$30 million should provide sufficient budget to get a staff that you think would be adequate to do the job. Have I caught your —

Mr Brown: Yes, Mr Phillips. I think that's quite an accurate summary, thank you, of all three points.

1020

Mrs Boyd: Thank you for being here today. I must say, having read all the news clippings at the time you received your appointment, I wasn't surprised, given your background, that the search committee continued to pursue you, but I understand that you were somewhat reluctant to take on this position and I can certainly understand that.

I'm going to ask you the question I ask every person I interview for a job, and that is, why do you want this job?

Mr Brown: As the press has accurately reported, I did not respond to the original advertisement searching this job. I had been asked several years ago to take on this job upon the retirement of one of my predecessors and, having given it some thought, I just decided it wasn't something I was interested in at the time. When the search committee approached me this time, I didn't give it much more thought; I reacted the way I had reacted a few years ago.

I was quite conscious of the need for someone in this job who is willing to give it a very serious effort. For many of the reasons Mr Phillips has talked about, we need very strong leadership in the securities field in Ontario. I was aware of that. I don't think I was aware of the resources that had now been put at the disposal of the

chair and of the commission. The committee members, all of whom are former chairs of the commission, asked me if I would come and talk to them just about the facts, which I did, and it turned out to be quite a sales job. What they were doing was pointing out to me that there was a tremendous opportunity here for someone who was willing to take on the challenge and that the opportunity was not only the forces in the market but now the resources to be able to do it.

With that, I then turned to trying to decide whether I could bring myself to leave the law firm that I'd been with for so many years and had been part of the history and the founding and the culture of. During the course of that deliberation, somebody told me that the cemeteries were full of irreplaceable people, and I began to realize that indeed, while it would be tough on me to leave the firm, it probably wouldn't be nearly as tough on them. When those two things came together, I said to the committee that I would be willing to be part of their short list, and ultimately they told me that I was the one.

Mrs Boyd: Thank you for explaining that, because I think it is quite a challenge you've taken on. Resources notwithstanding, it certainly appears that there's a real rebuilding job to do. Although you can pass it off in a very few words saying you're going to change the human resources and financial systems, that's a very big challenge, isn't it?

Mr Brown: Yes, it is.

Mrs Boyd: I really think it's important for us to recognize that in taking on a job like this you're taking on a very big challenge, and at some sacrifice to yourself.

Mr Brown: Thank you.

Mrs Boyd: Could you, just in more general terms, talk about the whole issue of public accountability as it applies to this field? I know from your background that there's a theoretical and ethical base to the whole issue of public accountability when you take on this kind of job. Would you talk a bit about how you feel about that?

Mr Brown: The mandate of the securities commission in Ontario is to protect investors from fraudulent and unfair practices and also to attempt to ensure the integrity of the capital markets, so the whole system has to be very transparent. The rules have to be crisp and unambiguous. I don't think they need to be detailed — I don't think there's a need to microregulate — but the entire investment community has to know what's expected of them. One of the areas where regulators have fallen down in the last little while is in secondary market disclosure and secondary market regulation, so I think those rules need to be tightened up.

Investors also need to know that there is a firm hand on the tiller here. The capital requirements for the growth of this province are enormous, as you know. Without that investor confidence, it's going to be increasingly difficult for us in Ontario to satisfy those capital needs. I think investors have to know that there is a system of rules and that the rules are being enforced; that they're being enforced fairly but they're none the less being enforced. I don't know whether that's responsive to your question.

Mrs Boyd: It is indeed. I wonder, do you feel that part of the role of the commission is an educational role in terms of economic education, given, as Mr Phillips has pointed out, that more and more people are actually engaged in a much more direct way than has been the case in the past in this whole field but tend to be doing so without the knowledge of what they're getting into? Is that a role the commission should have?

Mr Brown: I think you're absolutely right. There was a report in the paper not too long ago that the commission itself had commissioned a study of investor education and investor awareness, and I think they were quite shocked at how low the level of investor awareness is. I think that has to be very much a priority of the commission: to help people take some responsibility for their own investment portfolio. They're being asked more and more, as pension plans move away from defined benefit to defined contribution plans, to assume some of the risk for their own financial future. So, yes, I agree that's very much a part of the role.

Mrs Boyd: It seems to me that as we move into this area, part of the whole business is trying to make people feel as though it's not they who are making the decisions but that they're part of that and are not alienated from that. Otherwise, it's only too easy to dupe people if they're not dealing with the basic knowledge. Yes, you may catch somebody at the end of the game, but people's life savings, as Mr Phillips pointed out, may well be gone. It seems to me that it has to be a kind of interactive process, and this is not an area where the commission has tended to be very visible in the past. It may have offered some of that, but it hasn't tended to be identified as offering that sort of thing, so it's like a new task to be taken on.

Mr Brown: I agree with that.

Mrs Boyd: Are you confident that the budget you've been given is going to allow you to attract the kind of people who will be able to perform the tasks that have been outlined? I know that's been a problem in the past, the real drain of people. They gain experience at the commission and then are able to move into positions at much higher salaries, so it's a constant training and draining process that has happened. Do you feel fairly confident that you're going to be able to stop that drain of talent?

Mr Brown: I think that process will still be part of the experience of the commission. Frankly, I would not try to discourage it. I don't think we should necessarily be looking for young people who will come into the commission and commit their lives to the commission. I would much rather get people who are young and vigorous and who are looking to give five or seven years to the commission, and if, at the end of that time, they want to go back into private life, I would send them off with my blessing.

But having said that, I think the salary levels have got to close some of the gap between the current levels in the current market. The commission has commissioned some studies from one of the accounting firms to find out where the commission fits, relative to a number of benchmarks: law firms, accounting firms, corporations that employ professionals and so on. That study's not completed yet but I've been told that they have confirmed just what you have talked about, and that is that there is a gap there to fill.

I don't think it's necessary to go right up to market levels. I think there are some benefits of public service for which we don't need to compensate people. I also think that if we do this right and we get the right people in there, they will become very attractive to other participants in the capital markets, having spent five or seven years with the commission. Indeed, that's the way it happens in the United States. It's a real badge of honour in the United States to have spent a few years at the SEC, and the law firms, accounting firms and other businesses find those candidates quite attractive. I would like to build to that type of scenario.

Mrs Boyd: A bit like acting as a clerk to the Supreme Court, perhaps.

Mr Brown: Absolutely.

Mrs Boyd: So you see it as a dynamic process and an evolutionary process and that that's not necessarily an unhealthy thing.

Mr Brown: No. I would see extending the period of time that people stay with the commission. I think traditionally it has been 18 months to three years. I would very much like to try to extend that to five to seven years, but not to stop it altogether.

1030

The Acting Chair: We've got three questions, beginning with Mr Grimmett.

Mr Grimmett: I think we'll probably have even more questions than that, but perhaps we'll continue to go around, Mr Chair.

The Acting Chair: To the extent that time permits. Is that what you mean?

Mr Grimmett: Exactly.

Mr Brown, I wanted to deal with an issue that Mr Phillips was talking about: the fees charged and how, as I understand it, the plan of the newly designed securities commission is that in order to make sure our markets are in line with international markets, we gradually move to a regulatory system where the fees charged are roughly in line with the regulatory cost of operating the agency. It's my understanding that there has already been one phase of that process carried out, where the revenue reduction plan has been implemented to the extent that the secondary market fee and registration transfer fee was eliminated in September 1997. Is that correct?

Mr Brown: That's my understanding as well.

Mr Grimmett: So we're already in the process of moving towards equalizing the fees with the cost of regulation?

Mr Brown: Yes, that's correct.

Mr Dan Newman (Scarborough Centre): Good morning, Mr Brown, and thank you for appearing before the committee today. I have a question that deals with financial planners and the sale of mutual funds and other

securities. I guess in Ontario, anyone can hang a shingle up and call themselves a financial planner.

Mr Brown: I think that's correct. I must tell you, in anticipation, that this is not an issue I've gotten into very far. I understand it's an issue that's on the horizon and that I need to address. I don't have very many details yet on how financial planners are treated. My understanding is that they do not require registration at the present time.

Mr Newman: I've received several complaints from constituents of mine in Scarborough Centre about this issue, the fact that someone could be doing one job one day and the next day they are calling themselves a "financial planner," and people are putting their financial future in the hands of people who may not be qualified. The fact that this is their retirement money or savings that they may have and it is being put in the hands of unqualified people is frightening.

The other comment I wanted to make to you is that I truly believe that anyone selling mutual funds or other securities in this province should have to disclose what their commission is to the prospective buyer. The incident that was related to me was that someone wanted to invest in a certain mutual fund and was told by the so-called financial planner that this was not a good fund, and another fund was suggested to this person. The actual gap over the next year was about 14%. That's a significant amount on people's savings. I don't know what assurance or protection you can offer the taxpayers and investors of this province today, but I would just ask that you keep that in mind as you take on this new job and this new responsibility.

Mr Brown: Very much so. It will indeed be part of this landscape.

Mr Joseph Spina (Brampton North): Mr Brown, welcome to the committee. I'm frankly pleased that you surfaced at the selection. Articles in the paper and the scuttlebutt on the street are that for a long time we've waited for some renewed confidence in the TSE, and in the OSC, in fact. I think a man of your calibre - you used the word "leadership," and I look forward to your leadership in that role, assuming that your appointment does go through today, because I think it will renew the confidence in the market. As Mr Phillips indicated, it's a critical element of the dynamics of the economics of the province. We do have the largest stock market, stock exchange, outside of the New York exchange, and it's an important element. In some industries, in mining for example, it's the largest in the western world at this point, I think, or has the potential to be.

There's a segment of the market I want to ask your opinion on. I'm not sure about your familiarity, but again, if it is not something that you have had experience or knowledge of, I would ask you to explore it, as you indicated with Mr Newman's comments. It has to do with access to capital, particularly for small business. I know Mr Phillips shares this feeling as well, because when we spoke with the TSE regarding the over-the-counter trading, they seemed to be quite confident that they were doing a good job. Those of us who were on an access-to-

capital committee appointed by the Premier, of which I was a co-chair, were not satisfied that they were doing a good job. I wondered about your thoughts about a Nasdaq equivalent in Canada for small business capital access.

Mr Brown: I don't know the details at this point. I know that it's very much a part of what the OSC is dealing with and indeed the securities administrators across the country are dealing with. I know it's a challenge the banks are facing as well.

The Toronto Stock Exchange has a sub-trading entity called the Canadian Dealing Network. I'm not familiar enough with how that works or whether it's performing an adequate job to be able to tell you that this is the answer to your question. I agree with you that the question is a very important one. It perhaps will become more important if the trend to globalization, which appears to be coming to Canada, continues. As more and more of the financial institutions believe they need economies of scale, there is more and more a danger that the small person will be left out. I think that's very much a job of the regulators both in Ottawa and Ontario: to make sure that engine feeding our capital growth and economic growth here is not abandoned. So I agree with you that it's a very important part of it. I don't have the answers at this point as to how that can be addressed.

Mr Spina: It's appreciated.

The Acting Chair: I'll permit one last, short question if you like.

Mr Spina: Just a comment. I think that's an increasingly important element of our economic segment, of our business society, and we want to ensure it remains healthy and doesn't sort of get lost by the wayside in globalization.

Thank you, Mr Brown, and I wish you well.

The Acting Chair: Mr Brown, we ran out of time. We want to thank you for coming. I'm certain that most members appreciated your comments today. We are going to move to a motion of concurrence. If you would like to stick around, you can. If not, we thank you.

Mr Brown: Thank you, Mr Marchese.

The Acting Chair: Before we move to that motion of concurrence, I would just point out to the members that Ms Boyd obviously is here as an interested member. Floyd Laughren has resigned, as all of you know, and because the House is not sitting, we haven't been able to replace him with a motion in the House, so she will not be able to vote.

Motion for concurrence? Mr Grimmett, thank you. Any discussion? All in favour? That carries unanimously.

We thank you very much. We will adjourn until next week

The committee adjourned at 1038.



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Official Report of Debates (Hansard)

Wednesday 15 April 1998

Standing committee on government agencies

Intended appointments

Journal des débats (Hansard)

Mercredi 15 avril 1998

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 15 April 1998

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 15 avril 1998

The committee met at 1006 in room 228.

INTENDED APPOINTMENTS DAVID ARNILL

Review of intended appointment, selected by official opposition party and third party: David Arnill, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Vice-Chair (Mr Tony Silipo): I call this meeting of the standing committee on government agencies to order, please. Welcome back, everyone. We have a number of intended appointees to review this morning. Let's just get right to it and call Mr David Arnill to come forward. Mr Arnill is an intended appointee as public-atlarge member of the Niagara Escarpment Commission. Welcome to the committee.

The process, as I'm sure has been explained to you, is that we have up to half an hour to spend with you. We will start by giving you an opportunity to make any opening comments you wish, and then we will start a round of questions from the three caucuses, starting this time with the official opposition.

I just want to remind the committee members that if you don't use up all of your caucus time and wish to have the opportunity of a second round, please indicate at the end of your questions that you want to reserve the balance of the time. Otherwise, I will take it that you do not wish to ask any further questions.

Mr Arnill, the floor is yours.

Mr David Arnill: First of all, I'd like to apologize for not being able to meet the March 31 meeting. I was out of the country when my nomination was announced, and I just returned on the weekend.

I was raised in the village of Dundalk. I never actually lived on the escarpment, but over the years I enjoyed the scenic splendour of Beaver Valley, Blue Mountain and especially boating on the west side of Georgian Bay.

The Niagara Escarpment is one of nature's greatest treasures, and its core ecosystems must be preserved without reservation and regardless of cost. I believe the Niagara Escarpment control act is an excellent piece of legislation which both protects the escarpment and balances the needs of all the stakeholders. The act has had years of comprehensive input, scientific studies and public debates. The 1985 act, the 1994 act and the 18-month

review have had the endorsement of all three political parties. I also believe the Niagara Escarpment Commission is the legislative body best qualified to protect and enforce the objectives of the act.

I know my appointment has caused a lot of controversy, especially with CONE, and I can understand some of their concerns. Perhaps a small history of my business background and my knowledge of development in aggregate resources might put some of their concerns at rest.

I was raised in a small village where my dad and grandfather operated a small rural construction business. Most of my future business skills were learned from these two men, who taught me that land is and always has been one of our most valuable assets. As our business grew, we eventually had sales of over \$50 million a year and employed between 400 and 500 people. We probably mined wayside pits in over a hundred different sites. We were into rehabilitation long before it was legislated, and no one today driving down any of the highways we constructed would ever realize that many millions of tonnes of aggregate had been extracted from these sites by our company.

I served on the Aggregate Producers' Association board of directors for approximately seven or eight years, culminating in my presidency in 1996. This is one of the most informed business associations in North America today. Its committees handle everything from environmental manuals to health and safety education, transportation, public and political relations. Everything is done to minimize impact and to increase public knowledge of the industry.

With the downsizing of all levels of provincial government and bureaucracy in order to balance our provincial budget, when I was president the Aggregate Producers' Association worked with the current government and with both opposition parties to enact Bill 52, a bill which legislated self-regulation on the aggregate industry.

I hope my business skills will be useful to the commission, especially in times of cost cutting. There are always ways to increase efficiencies and improve service.

My knowledge of the aggregate industry will also be useful to the commission. For example, the commission granted a wayside quarry permit in the escarpment area in Euphrasia township to Grey county a few years ago. This was a major mistake. When one recognizes the huge costs to open and rehabilitate a quarry — in the range of \$300,000 to \$500,000 — I knew the only way for the

county to recoup its costs would be to eventually apply for a full aggregate licence. They have now done this.

With my knowledge of aggregate resources and costs, and with no conflict of interest as I have now, I could have helped the county to find an equally suitable site off the escarpment. There were several available. CONE would have been pleased.

I look forward to joining the NEC and I want to assure all of you that I will work with the environmentalists and all concerned to ensure the ultimate integrity of and the preservation of the Niagara Escarpment. Thank you.

The Vice-Chair: Thank you, Mr Arnill. We'll turn to the Liberal caucus.

Mr Dominic Agostino (Hamilton East): Mr Arnill, welcome to the committee this morning. Did you approach someone or were you approached to sit on this commission?

Mr Arnill: Actually, I was at a Christmas party for Jim Wilson and he mentioned at that time that several people in our area had applied for a vacancy on the commission and I told him at that time that I would like to stand myself.

Mr Agostino: Are you a member of the Progressive Conservative Party?

Mr Arnill: Yes, I am.

Mr Agostino: Were you involved in Mr Wilson's last election campaign?

Mr Arnill: Yes, I was.

Mr Agostino: Were you his campaign manager?

Mr Arnill: Yes, I was.

Mr Agostino: Thank you. I just wanted to get on the record the political involvement.

I want to ask you about the balance that we have to strike on this commission between the aggregate producers, which you were a member of and past president of in 1996, and whether you're still on that board today —

Mr Arnill: No, I'm not. I sold my aggregate and construction business a couple of years ago. Normally on the board the past president would sit on the executive. Because I had sold my business, I resigned from the executive and the board.

Mr Agostino: Over the years, with the business you were in, did you have many reasons to appear before the commission?

Mr Arnill: We appeared before them in I believe the mid-1980s, the latter part of the 1980s. One of the quarries that I had purchased was a 170-acre site which was licensed. The previous owner had purchased an additional 30 acres, I guess, which had originally been severed off the site but was not licensed. We wished to licence that 30 acres. We found that in the 1985 act the natural line that was between protection and rural had sort of come up and then arbitrarily jogged into this 30 acres and then back out. Our argument was that had the previous owner not owned that 30 acres, that specific parcel would have been designated rural. We went through an extensive municipal board hearing and the decision came down in our favour.

Mr Agostino: Obviously, the aggregate industry has a great deal at stake on the escarpment. Do you perceive that at least people could see that there would be a conflict there, as someone who had been involved in the private sector in the aggregate industry over a long period of time - and very successfully, which is great, with your family. Is there a perception, do you think, among the public that your decisions and your leanings may go towards favouring a pro-development stand or a stand that would favour the aggregate industry in applications in front of the commission simply because that is what you've done your whole life? Your work history, your business connections and friends would be in a similar industry that you were involved in. Do you see a danger of that perception being there and that people could suggest there may be a conflict as a result of that?

Mr Arnill: As far as friends in the industry are concerned, I guess we've all made some friends. About 90% of the aggregate in the GTA is controlled by the multinational cement corporations. I was one of the few independents that took those people on and serviced this market. You don't make a lot of friends doing that.

I don't see any conflicts here whatsoever. The act legally authorizes aggregate extraction provided it can be done in an environmentally sensitive way and meets all the development criteria. As I said, the act has gone through years and years of study and public debate, and all three parties endorsed the act, which does permit aggregate extraction in the rural areas of the escarpment if it meets the proper criteria.

The Aggregate Resources Act is one of the greenest pieces of legislation in North America today and that's for licensing a site anywhere in the province. You have to prove extensively that there will be acceptable levels of impact. A normal quarry licence today could take in the five- to seven-year range and the cost for consulting and planning could be in the \$1-million range.

Mr Agostino: Mr John Snobelen, the minister, has said in a number of articles that you are well known for your reclamation efforts in regard to the work you have done and have achieved awards for it. Were these awards from environmental groups or from the Aggregate Producers' Association?

Mr Arnill: The Aggregate Producers' Association has a bronze plaque award, which isn't given out very often. I am the current recipient of that. It recognizes exceptional rehabilitation efforts, putting land back into public use. The property I'm getting an award for was a gravel pit that we mined for over 20 years in the town of Wasaga Beach. We progressively rehabilitated it as we mined and the end result today is an 18-hole golf course and a 500-lot subdivision. We have maybe 500 acres on the site and probably 50 acres of that is natural parkland. We have five or six miles of hiking trails. We have soccer fields. We have tennis courts. I'm currently finishing up that development now.

Mr Agostino: The bronze award that the minister was referring to, that you're referring to now, was from the Aggregate Producers' Association?

Mr Arnill: Yes, it is.

Mr Agostino: Just one more question to wrap up: Had you not been a friend, a card-carrying Conservative and a campaign manager for Jim Wilson, do you still believe you'd be here today for an appointment?

Mr Arnill: I don't know. I understand there were a lot of people who applied for the nomination. I don't know. Jim would have brought my name forward, but I understand a lot of other people were nominated as well.

Mr Agostino: Thank you. I'll reserve if there's any

The Vice-Chair: We'll turn to the NDP caucus.

Mr Rosario Marchese (Fort York): Welcome to the committee. I should tell you that when we were in government the Tories and the Liberals hounded us every time there was a smell of any possible affiliation to our party. I don't have any problem with that because I think all parties do that. My comments are more related to how your experience and the work you do might affect what you're being appointed to. You already commented on that. I want to go through some of those questions and deal with that again.

You are not a member of any other board or agency, are you?

Mr Arnill: I was a member of the hospital board in the town of Collingwood for a few years. The other time was eight years I spent on the Aggregate Producers' Association board and that demanded a lot of time and volunteer effort. It is a tremendous association.

Mr Marchese: I was looking through your curriculum vitae and I didn't see some of that experience. I wondered about your public involvement in other areas and wondered therefore why this was of more particular interest to you than anything else that you might have wanted to do perhaps.

Mr Arnill: I sold my major business a couple of years ago. I am currently in the development business; I am building houses in a subdivision. I just need something more to do to keep me active. This is a volunteer situation.

Mr Marchese: Yes. It's not for the money, obviously. The money is not that big.

Mr Arnill: I honestly feel there are legitimate applications for development and there are frivolous ones and I have the experience to know the difference. As I said before, one of the biggest reasons the aggregate industry is mining on the escarpment is because, first of all, dolomitic rock is absolutely essential to the infrastructure of the province. You couldn't build the CN Tower with other aggregates. Unfortunately, the Niagara Escarpment is the only place where it comes to the surface. Normally, as you get into the rural areas of the escarpment, the dolomite slopes off and you're into maybe 20 or 30 feet of overburden, which makes it absolutely impossible to mine it.

1020

As I say, in this one area in Euphrasia township I had actually located a property which was off the escarpment where the rock came to the surface. Grey county, as far as I'm concerned, should never have been permitted to open

a wayside on the escarpment when there were other sites that were equally suitable.

Mr Marchese: I appreciate that.

I want to get to some other aspects of this thing that interest me. You talked about the Niagara Escarpment act and how you're a supporter of that. You are familiar with the objectives, and I'm assuming you support all of that: "to protect unique ecologic and historic areas; to maintain and enhance the quality and character of natural streams...; to provide adequate opportunities for outdoor recreation; to maintain and enhance the open landscape character of the Niagara Escarpment," and on. You do support these objectives, correct?

Mr Arnill: This is one of the most comprehensive acts that probably was ever developed in North America and I fully support this act. I think it's a terrific piece of legislation.

Mr Marchese: On page 8 of our document — I'm not sure you've seen this or whether you have access to it — the researcher does point out, "Under the Niagara Escarpment Planning and Development Act, the Niagara Escarpment plan overrides all municipal official plans and bylaws."

Mr Arnill: That's correct.

Mr Marchese: Do you support that?

Mr Arnill: Yes, I do.

Mr Marchese: You wouldn't want to amend that?

Mr Arnill: Absolutely not.

Mr Marchese: In terms of your reclamation efforts, have you reclaimed or rehabilitated many sites, and can you give some examples of them, the one you got an award for?

Mr Arnill: As I said before, we grew up in a small construction business and part of the value of the way to make money that my father and grandfather taught was that you remove the gravel from a piece of property and you always rehabilitated it, you put the topsoil back, you put it back into productive use and you increased the value of that property. That's how we made our living. We used to watch the large contractors come through when there was no legislation and they actually destroyed land. They just mined it and walked away from it. We never did that.

Mr Marchese: So as far as you're concerned, you have a fairly good reputation in rehabilitating any site that you have operated on.

Mr Arnill: Yes we do.

Mr Marchese: There's one on Grey county Road 4 near Thornbury which you started and worked on for a long time. From some reports we have, it was an eyesore, and as far we know, there had not been any rehabilitation, but you're saying that's not true.

Mr Arnill: The pit isn't finished yet; it's still being mined. It was one of the properties I did sell, and the eventual plan for that is going to be about a 70- or 80-acre lake. Until you've mined all the aggregate from under the water you really can't do a lot of rehabilitation work.

Mr Marchese: So it is an eyesore while you are working at it, but rehabilitation is something that will have

to take place once the whole thing is exhausted, in other words?

Mr Arnill: That's correct, yes.

Mr Marchese: I imagine some people would think that some of that work should go on as you are working so that it doesn't become an eyesore for people, but you say —

Mr Arnill: Over the years we had done progressive rehabilitation on that property. There was some rehabilitation done. Silts were put down, topsoil on them was seeded, but again, there's always an open face, and an open face, if it's visible from a road, is an eyesore.

Mr Marchese: Sure. The award you won you made clear was given to you by the Aggregate Producers' Association of Ontario. Were you required to rehabilitate that site in order to get your permit to build, or did you do that voluntarily?

Mr Arnill: That was a site that was operated before the legislation, so it was a non-conforming site, but under the new Aggregate Resources Act we had to put a plan of final rehabilitation into it. But we were rehabilitating that site as we came along. Every year, we were closing it up behind us, putting topsoil back on.

Mr Marchese: Mr Snobelen makes some comments in an article by Mr Brennan, who's actually here, where Mr Snobelen is quoted as saying. "They are people" — meaning people like yourself — "who are concerned about the Niagara Escarpment and protecting it." I don't have any problem at all with that. Then he says, "They're trying to bring some balance to the commission and I don't think any one set of opinions are right." What do you think he means by "balance"? Is there an imbalance in this commission?

Mr Arnill: I felt there was under your government. The hearing officers, if I can quote them, said: "The Niagara Escarpment Commission's approach to resource extraction was fundamentally misguided. It did not scientifically evaluate the effects of older quarries and it did not consider the economic and social impacts either inside or outside of the plan area. If extraction was not allowed on the escarpment, it would increase the cost to the taxpayers of Ontario for aggregates in the range of \$100 million to \$250 million a year."

As I say, your own government, when the 1994 plan was recommended, with the suggestion of the environmentalists, actually went through another extensive 18-month review and your cabinet decided that aggregate extraction was necessary, if it could be done properly, in the rural areas of the escarpment. You agreed with the plan.

Mr Marchese: So you're saying that the commission members were obviously one-sided in their views, that they didn't recognize the value that people like yourself obviously do and bring to this economy, and you're simply trying to correct some of those views that are incorrect, I guess.

Mr Arnill: There has to be a balance. We have to listen to the environmentalists and they have to listen to us. One of the things I did on the Aggregate Producers' Association, one of the chairs I handled one year was the

political action committee. Before I got involved with that committee, it was just a fund-raiser for the Liberal and Tory parties. We completely changed that committee. We divided the province into 17 areas. We asked all the producers in each area to join our political action committee, and the objective is to meet with all MPPs regardless of which party they belong to, just to discuss problems we were having and issues. Maybe if we couldn't reach an agreement with some of these people, at least they understood our concerns and opened up a two-way dialogue.

The Vice-Chair: Thank you, that' the 10 minutes. We turn to the government caucus.

Mr Ted Chudleigh (Halton North): Thank you very much, Mr Arnill, for coming today and for letting your name stand for this appointment. It's not always easy to get people of your quality and obviously busy nature to take on these commitments. I was impressed with your opening comments and your commitment to the Niagara Escarpment and its plants.

It also struck me that on Bill 52, with its enactment and the reclamation process that was put in place, this process was really designed after what you and your company had been doing for some time. Is that accurate?

Mr Arnill: Yes, it is. Bill 52, which is about self-regulation of the aggregate industry, I think is going to be extremely effective. When you realize the tremendous cost of acquiring a licence today — you have to file an annual report. If you falsify that report in any way, you're subject to a \$5,000 fine and revocation of your licence. The costs are far too extensive to allow anything like that to happen.

Also, the MNR staff was cut from over 80 people to 14 inspectors. These inspectors now are acting as enforcement officers. They know the good operators from the bad ones and now they have the legislative authority to shut those people down.

The Aggregate Producers' Association also took over the responsibility of reclaiming abandoned pits and quarries. The MNR had a staff of 55 people that reviewed these. We today do it with two and we're getting more done. I think, again, Bill 52 is an excellent piece of legislation to govern the aggregate industry.

Mr Chudleigh: In the future, as we drive around the province, not only on the escarpment but other parts of the province as well, the abandoned pits that we sometimes see now, those wayside pits, gradually will be reclaimed and there will be no new cases where operators have walked away from the reclamation responsibilities?

Mr Arnill: That is correct.

Mr Chudleigh: I think we've covered the Wasaga Sands development and your award. How often would that bronze award be awarded? Is it a yearly award?

Mr Arnill: No, it's not. Probably on average maybe every other year. It's something that isn't given out without a lot of thought put into it.

Mr Chudleigh: It's an exceptional case when it's awarded.

Mr Arnill: Yes. It recognizes exceptional examples of rehabilitation and putting the old site into a use that can be enjoyed by people.

Mr Chudleigh: Again, thank you very much for agreeing to stand on this committee. There seemed to be some comment about your political affiliations. I wasn't aware that was a criterion on an appointment. I suppose that means that —

Interjections.

Mr Chudleigh: The former chairman of this committee may be a card-carrier in the future as well, I suppose. We'll look forward to that opportunity.

1030

The Vice-Chair: Anything else from the government?

Mr R. Gary Stewart (Peterborough): First of all, to be honoured by your peers I think makes the honour that much more special. I mean that very sincerely.

This act that you feel is an excellent act, and I agree with you, certainly it's been around for a long while, and it's like Bill 52: You have to make some changes every now and again. Do you foresee any change that should be done in that act to increase the preservation and the integrity of the escarpment?

Mr Arnill: The Aggregate Resources Act?

Mr Stewart: No, the Niagara Escarpment act.

Mr Arnill: I think, again, this act has had years of input and debate. All sides have put their positions forward. I guess it is a very comprehensive act that understands conservation and the balance of resource utilization. I think one of the reasons it was recognized by UNESCO was because it did take all those things into account.

Mr Stewart: I think that's why it's very important that you do have a balance of people on the commission. Thank you very much.

Mr Alex Cullen (Ottawa West): Thank you, Mr Arnill. Listening to the presentation here, clearly your contribution to the aggregate industry has been well recognized by your peers, not only with the award, but also becoming president of the Aggregate Producers' Association of Ontario. How long have you been active with the Aggregate Producers' Association of Ontario?

Mr Arnill: I've probably been a member for 15 years. Normally, you would sit on the board for seven or eight years and just work your way up through the various committees until you can accept the position of president if you want it.

Mr Cullen: I was certainly taken by your comments when you talked about the need for balance between the environmentalists and "us." Earlier on, you talked in relation to some of the questions about Bill 52 and some of the issues being raised about aggregate extraction. You talked about "our concerns." With 15 years of involvement with the Aggregate Producers' Association of Ontario and the commitment, the recognition of your peers, I think anyone would say that you would be very closely identified with the aggregate interests in Ontario. You can't have a position any other way.

Mr Arnill: No, I understand the interest, but I also understand there has to be a balance with the environmentalists. The best way to achieve that balance is to be able to sit across the table from them, talk to them, tell them what our concerns are, listen to their concerns and see if we can come to some understanding.

Mr Cullen: This opens a door, because obviously the legislation is there to preserve the escarpment. You've alluded to that as well. But we also know the escarpment is the site of a very large mineral aggregate extraction industry in Ontario and that every application coming before it is, in one form or another, to develop some part of the escarpment. You don't have any applications going the other way.

You're there with a long history of identification with the aggregate producers of Ontario and presumably they will see you as their spokesperson. You say it's between you and the environmentalists, but we're thinking in terms of the public interest here. It's not just the environmentalists we're talking about here. But clearly, for anyone who's coming forward, you're going to be there. Do you not see yourself there as the spokesperson for the industry?

Mr Arnill: No.

Mr Cullen: That's going to be quite a shock to your peers who gave you the award, whom you've worked with for 15 years, gone through the whole committee structure and found yourself elected as president.

Mr Arnill: I have an understanding of the industry and I also say that aggregate extraction is permitted. It's a legitimate use under the plan, provided it's done properly.

Mr Cullen: Absolutely. So, having been an advocate for the aggregate producers of Ontario for these many years, you're going to go on the escarpment commission and you're going to change your spots?

Mr Arnill: As I said before, if I see an application coming forward that has not been done properly, I have the knowledge to stop that application. If an application comes that does meet all the criteria, then it is the responsibility of the commission to accept that.

Mr Cullen: We've dealt with a number of appointments to the Niagara Escarpment Commission. One of the points I like to make is that, in trying to preserve the escarpment, there must be a compelling reason to develop it, because once you develop, you've lost it.

You're coming from an industry that recognizes the escarpment as a site for exploitation. You've been a spokesperson for the industry and you're basically saying unless there's a compelling reason not to accept it, you're going to support development proposals that meet the letter of the law.

Mr Arnill: Aggregate extraction is not permitted in the natural areas or the protection areas. It is only permitted in the rural areas. You take a look at the rural areas. I think 1.6% of the plan area is suitable for aggregate extraction. When you take a look at that 1.6% and you realize that many of the landowners do not want to sell their properties for aggregate extraction, the resource is limited even further.

Mr Cullen: So you think you're not going to have much work to do. But we know that every applicant who comes forward will come forward with their consultants, which will show that this particular application meets the criteria, that this little thing here can be redefined with no loss of integrity and that the development application should proceed.

You're not going to be sitting there with nothing to do in terms of the development applications. That 1.6% is going to occupy — if indeed it is 1.6%, because I'm sure the applicants come forward trying to change all that to make an application successful. You're going to be there looking at it and saying, "I understand your perspective because I've been there." Is that not what you're going to be saying?

Mr Arnill: My mandate will be the same as all the other commissioners' when I sit on this, and that is for the protection of the Niagara Escarpment in accordance with the act.

The Vice-Chair: We'll have to leave it at that. Thank you, Mr Arnill. That completes the time for — yes, Mr Johnson?

Mr Bert Johnson (Perth): Are we out of time? I had a question.

The Vice-Chair: Yes. You used up the balance of the time with Mr Stewart's question.

We have completed the round with respect to Mr Arnill. We can either deal with the vote on appointment now or deal with it later on after we've finished the other interviews, as you wish.

Do it now? Is there a motion?

Mr Bill Grimmett (Muskoka-Georgian Bay): I so move.

The Vice-Chair: Mr Grimmett moves that the committee concurs.

Mr Marchese: Mr Chair, just a comment as well.

The Vice-Chair: Discussion, Mr Marchese.

Mr Marchese: Because the House is not sitting, we haven't been able to replace our member Floyd Laughren, who has resigned, so I won't be able to vote on this matter. That's just for the record.

The Vice-Chair: All right. Is there any further discussion on the motion for concurrence in the appointment of Mr Arnill?

Mr Agostino: I appreciate the presentation that was made today. Again, it's not a difficult question. I'm concerned on a couple of points, first of all on what appears to be this ongoing list of patronage political appointees, period.

Interjection.

Mr Agostino: Mr Spina, your friends come up next, so keep it down.

We have now seen a pattern in the last two committee meetings, and it will continue today, of blatant patronage appointments, which is a sign of a government in desperation, as Mulroney did in the dying days, basically just all the friends they could find piled on to committees. Very clearly, it taints the appointments.

I'm not questioning this gentleman's integrity, but there's a perception here of a conflict. There's a perception of an industry that he has worked very hard and done very well in over the years and now he will be sitting on a commission that is going to judge applications that come. As independent as you want to be, you can't help but have that bias at the table. You have done that job your whole life. That's all you've worked in.

That is part of a pattern that is developing on this escarpment commission. It has become the Niagara Development Commission, frankly, under this government, which continues to stack the board with individuals whose backgrounds and work experience tend to lean very much towards a much more open development policy for the escarpment. That's dangerous.

1040

Over the years, governments of all political stripes have worked very hard in trying to preserve the Niagara Escarpment and worked very hard to put the proper checks and balances in place. A great deal of that was as a result of the balance on the commission that made the decisions. We're losing that balance, and this appointment continues to add to that. We saw it last week. We saw it before. We saw it with Mr Seabrook, who had to resign in shame. It becomes an ongoing pattern here, not only of blatant political appointments but of very strong pro-development appointments to the Niagara Escarpment Commission. I think that's dangerous. I think it's detrimental.

I know we're not going to win the vote today because the government members will, all five, vote in favour of the appointment, as they have on every other appointment that has come forward to this committee, but I think it's important for us to make our concerns known and to raise the danger signals. It started with the shift of responsibility for the escarpment from the Ministry of the Environment, that was there to protect the escarpment, to the Ministry of Natural Resources, that is there to develop the escarpment.

I will vote against the appointment, Mr Chair. I think it is blatant patronage once again. This gentleman, by coincidence, was approached by Jim Wilson, the minister, at a Christmas party. This gentleman happens to be a Tory member and, beyond that, he ran Jim Wilson's election campaign. It appears that the first priority is that you have to be connected with the Conservative Party of Ontario in order to be appointed, and second, you then have to be connected to the development industry in order to be appointed to this commission. I think that's wrong.

Mr Marchese: Just for the record, I don't have any problem with the fact that Mr Arnill happens to be a Conservative member. I know the Liberals would do the same. We've all had different systems in place. The Liberals, I think, had the Premier and — I hear, anyway — his wife do the appointments. It wasn't much of a public, open system. That's what I hear; hopefully, it's wrong. But if the spouse was not involved, I hear that the Premier, by and large, was the person who made most of the appointments, and I don't remember it being very open.

But in terms of what the Tories are doing, it's quite open. They don't make any bones about it. They attacked us on a daily basis when we appointed people. But I think political appointments are the way of most political parties, except that what the New Democrats did was to have this system that permits people to come forward and allows the opposition parties to at least say, "Are you a Tory?" At least we made it an open system that permits this kind of discussion. I don't have any problems with patronage, because it goes on and on. What I don't like is when the Tories say, "We would be different; we would be pure," and then they just appoint Tories all over the bloody map, which is what has happened.

On the matter of Mr Arnill's nomination here, I find him very sincere in his remarks. He seems to be the type of person who is very caring about what happens to the escarpment. How can one object to those things he speaks in favour of? I do have a problem, however. In spite of Mr Arnill's sincerity, I don't think the kind of balance that he and this government are trying to achieve is going to do very much to the objectives of the Niagara Escarpment Commission, in spite of what I heard today.

I think the commission is there for a purpose: to defend the Niagara Escarpment plan, which is very clear. The people nominated to that commission should be there for the sole purpose of defending what is there. I frankly don't think we need a balance, as these Conservative members are doing, where with every new appointment we see now, as is listed in our research report, we are getting people who, I'm sure, will claim they support the objectives, but I'm not sure they're the types that should be on that commission, from an environmental point of view in terms of protecting the escarpment.

I want to state my concern about what this government is doing with respect to this concern about the appointments. I am not supportive of this type of balance they're trying to achieve. I'm not sure that in the end we're going to be able to maintain the objective of the Niagara Escarpment plan, and that's my fear. Although they might say they are not interested in making amendments, it is my view that amendments will be coming in the next review of the plan. Should this government continue to be in power, I fear we will see amendments to that plan, in spite of the claims we hear. I worry about that. My interest, and the interest of most environmentalists, is to preserve the escarpment in the ways we understand it.

Mr Joseph Spina (Brampton North): My comments will be short. First of all, I think David Peterson wrote the book on pork-barrelling, but anyway —

Interjection

Mr Spina: Well, there were Liberals a lot longer in federal government before Mr Mulroney ever got there.

Interjection.

Mr Spina: Pardon?

The Vice-Chair: It's all right, Mr Spina. Carry on, ease.

Mr Spina: Thank you. Maybe you want to withdraw that, Cullen.

I want to thank Mr Marchese for the comment he made about making the system more open and transparent. I think that's a valid thing your government did as far as this appointment process is concerned. I think it will be seen too that we can be objective with the appointments of people like Mr Laughren when he comes before the board at the appropriate time. But I think the opposition assumes that the only perspective or the only view that should be on the commission is that of the environmentalists, period, end of story. They are the only ones that they feel should be seen and should be the ones to defend this process.

I challenge that because, frankly, any individual in society who conducts business in a socially responsible manner will do what Mr Arnill's track record demonstrates, and that is that you conduct business with respect for the land you live on and the land you work. We talk about the balance, and I think it's good to have another individual on a commission, on a board of directors, who does have an understanding and an appreciation for the other perspective. I don't think that in any way should denigrate their position with respect to the protection of the act and the protection of the lands that were there, so I have no compunction in endorsing Mr Arnill's appointment to this position.

The Vice-Chair: Further discussion? If not, we'll proceed to the vote on concurrence in the appointment of Mr Arnill.

Mr Agostino: Recorded vote.

Ayes

Chudleigh, Grimmett, Bert Johnson, Spina, Stewart.

Nays

Cullen, Gravelle.

The Vice-Chair: It's carried.

MARGARET MUNNOCH

Review of intended appointment, selected by official opposition party: Margaret Munnoch, intended appointee as member, Ontario Trillium Foundation board of directors.

The Vice-Chair: We proceed with the next intended appointee, Margaret Munnoch. Ms Munnoch, welcome. As with the previous individual, we have up to half an hour to spend with you. We will give you an opportunity to make any opening comments you wish, and then we will start questions, beginning with the Liberal caucus.

Mrs Margaret Munnoch: Good morning, gentlemen. I would like to give you a short background about myself.

I worked as a registered nurse before coming to Canada from Scotland in 1957. I have been married to a family physician for 43 years and have lived in Woodstock for 41 of those years. We have four grown children whose birthdays are just one year apart, so my early married years were mainly spent at home while doing a small

amount of volunteer work such as canvassing, stuffing envelopes etc for many agencies.

As you can see by my résumé, I have experience with many organizations and agencies, all of which I have found both challenging and rewarding. I have recently been appointed by the municipality to the Woodstock Police Services Board, having served there before as mayor of the city of Woodstock. I was deeply involved in the planning, the fund-raising and the building of the \$13-million community complex in the city of Woodstock, completed two and a half years ago.

My municipal political career has given me a wide span of awareness of the need for financial assistance throughout our communities such as is awarded by the Trillium Foundation. If appointed, I feel I can make a meaningful contribution to this board.

I thank you for your attention.

1050

Mr Michael Gravelle (Port Arthur): Good morning, Mrs Munnoch, and welcome. Obviously, the appointments to the Ontario Trillium Foundation are very important appointments, particularly at this time, as there is very much a proposed change in how the foundation itself will work. Can you tell me just how familiar you are with the Ontario Trillium Foundation in terms of how it has been set up and how it will be in the future?

Mrs Munnoch: As I understand it, agencies have made their applications, they have been very thoroughly evaluated and reviewed, and the awards have proceeded as a result of those reviews and evaluations. I understand there is going to be a lot more money involved now, and of course it will take a lot more reviewing and evaluating.

Mr Gravelle: You are familiar then, obviously, with the proposal to have 10% of the revenue from slot machines now basically being put into the system?

Mrs Munnoch: Casino tables, I understand, the Trillium fund will be looking after.

Mr Gravelle: And to fund more agencies: arts, culture and recreation.

Mrs Munnoch: Yes.

Mr Gravelle: So you're familiar with this. Have you had an opportunity at all to study the foundation to find out exactly what it has done?

Mrs Munnoch: Yes, quite a bit of it, I have.

Mr Gravelle: What are your feelings, based on that, about the role the foundation plays in terms of the funding? What I mean specifically is, do you think it's important and significant that the foundation operates in an arm's-length relationship in terms of the government? In other words, there should be no connection between the government's position and support for various things and the actual agency itself. Do you believe the arm's-length relationship is an important part of the actual agency, the foundation itself?

Mrs Munnoch: Yes, because I think then it is non-partisan. You have a board dealing with it in a very fair manner. They're dealing with requests coming in from the different agencies and it's completely non-partisan and in a very fair way.

Mr Gravelle: It's very important that you say that because obviously it's something that is very important and will continue to be so. It brings me to a concern that needs to be expressed and I want to ask you about it. You are, I understand, very active in the Progressive Conservative Party.

Mrs Munnoch: I have been.

Mr Gravelle: In fact there are some members of your family who have actually worked for the Premier, Mr Harris, and who have worked for Mr Hodgson in northern development and mines. Is that the case, that you have children — indeed your relationship is such that your family has been involved in that way?

Mrs Munnoch: That's correct, Mr Gravelle. They no longer are, but they have been.

Mr Gravelle: That being said, I take it you've had an opportunity to talk to the minister himself or to members of the government about the direction they're going in terms of the Ontario Trillium Foundation?

Mrs Munnoch: No, I have not.

Mr Gravelle: But you are certainly sensitive and clear on what direction they're going in.

Mrs Munnoch: I got it from information I've received just recently.

Mr Gravelle: Do you not think it's difficult to be in the position you're in, in terms of your involvement with the party itself let alone the fact that two of your children were involved in a political capacity, and to maintain that arm's-length relationship?

Mrs Munnoch: No, absolutely not. I hope I'm not here because of my political affiliation. I hope I'm here because of the strength I have shown in my résumé. I would continue to be a member of that board in a completely non-partisan fashion, as I have done in all my other work, including my municipal career.

Mr Gravelle: Obviously, you have a stellar municipal career and it's very impressive in terms of the activities you've done. But I think it is important to state as forcefully as possible that the arm's-length relationship is important. I think it's a great concern, not just to those of us in the opposition but certainly those agencies that will be funded potentially by the foundation, that the arm's-length relationship remain.

If indeed there are a number of appointments of people who are not only members of the party — I do not in any sense necessarily object to members of the Progressive Conservative Party being appointed, but if it's such a relationship that that arm's-length relationship is threatened and is not able to be maintained, I think it's legitimate for us to be concerned.

The questions have to be asked and have to be asked again. How can you maintain that relationship if you are in a position where one of your obligations in a personal sense is to support the principles of the party?

I certainly don't mean to be rude to you in any way at all. It's a concern we have, particularly, may I say, in this case with the Ontario Trillium Foundation. This is an organization that has funded groups in a very important way. The expansion now is one that there are some

concerns about. I guess what I'm looking for is some reassurance that you're not going to in essence be an appointment who will ultimately make decisions that are based more on what the government's priorities are than objectively from an arm's-length position in terms of what the agencies' needs are.

Mrs Munnoch: No, Mr Gravelle, I would expect to go with the wishes of the Trillium board, as a member of that board. I would be entirely aside from government opinions or anything else as a member of that board. I have done it in many other boards. As I said, my political career municipally was completely non-partisan. I know I'm perfectly capable of being on a board and being totally non-partisan.

Mr Gravelle: How do you feel about the fact that revenues, now from slot machines rather than video lottery terminals, in essence gambling revenues, are going to be used as ways of funding these various organizations. What are your thoughts on that in general, in terms of the whole casino issue?

Mrs Munnoch: Gambling is a form of life, there's no question. There are not many people, I don't suppose, in this room who haven't gambled at some point. I gather the percentage of people who gamble in the whole of Ontario is fairly high and a very small percentage of those people have any problems with it. I think there are a tremendous number of agencies, particularly with government cutbacks now, that are going to need the help of the Trillium Foundation.

Mr Gravelle: Did you seek out this appointment? I'm curious as to the process you went through in order to have this appointment.

Mrs Munnoch: I was asked if I would consider being appointed to the board.

Mr Gravelle: You were asked. May I ask who you were asked by?

Mrs Munnoch: Barbara Minogue.

Mr Gravelle: You were asked specifically about the Trillium Foundation itself?

Mrs Munnoch: Yes.

Mr Gravelle: It's my understanding that none of the present members of the Ontario Trillium Foundation are being reappointed. It seems to me that in the sense of a collective memory of an organization, in terms of what has gone before, that should be considered as something that's important in terms of maintaining something. My understanding is that none are being reappointed. How do you feel about that? Obviously people have served it well and honourably. How do you feel about the fact that there are potentially all new appointments and that a large number of them appear to be coming from members of the Progressive Conservative Party? That certainly would concern me if I was in that position.

Mrs Munnoch: I believe some of them have been reappointed prior to this time, so many of them have served quite a few years. I also think new blood is extremely good, especially when there are going to be changes to this foundation. A change in thinking and handling many of the —

Mr Gravelle: Do you know for a fact that some of them have been reappointed? Certainly my information is that none have been reappointed.

Mrs Munnoch: I mean that prior to this, when their appointments were due, some of them I believe were reappointed. It's not just an unusual thing for people not to be reappointed; it's also quite customary to be reappointed. I think new blood is good.

Mr Cullen: You've been a municipal politician; I've been a municipal politician. We've had deputations come before us asking for support, good charitable organizations. The Trillium, as you know, initially was set up to deal with social services. In the area of social services, if you're dealing with the poor, very often you're also an advocate for the poor, or if you're dealing with schizophrenia, you become an advocate for schizophrenia. We can go through a whole list. You're going to have the same thing coming forward at the Trillium. What's your attitude about that?

Mrs Munnoch: I think you would have to look into where their funding is coming from elsewhere and weigh it against what the needs are.

Mr Cullen: We have a government that doesn't like advocates, that's taking money away from advocates. Do you agree with that?

Mrs Munnoch: There are other agencies to get money from besides the government.

Mr Cullen: So you think that an agency that serves a need in our community, and we know the need has become greater with government cuts, if it's involved with advocacy on behalf of its clients, should go elsewhere than the Trillium?

Mrs Munnoch: No, I don't think they should go elsewhere. If their cause is correct and they meet the criteria for the foundation, then it's quite all right for them to apply.

Mr Cullen: So in terms of the arm's-length —

The Vice-Chair: I'm sorry, Mr Cullen, that's the time. You'll have to leave it at that.

1100

Mr Grimmett: Following up on the question Mr Cullen was asking, we had talked already about the changing role of the Trillium Foundation and how one of the roles you would have if you were successful in becoming a member of the board would be to review grant applications. Do you think your background gives you the experience to help make these kinds of decisions, and if so, can you perhaps enlighten us on how your background might help make those decisions?

Mrs Munnoch: I certainly think it does. As you know, I have quite a wide spectrum of interests and have served on many boards and agencies. We have dealt in many of them with large sums of money. I recognized the responsibility as mayor — as I say, we agreed to build a \$13-million or \$14-million community complex. It took a lot of thought to give the okay on that. I think my municipal experience has helped me judge where money should be going, to a large extent.

Mr Grimmett: Are you aware of the plan to establish community funding bodies under the Trillium corporation?

Mrs Munnoch: Yes.

Mr Grimmett: Could you perhaps comment on this and how it might affect the accountability of this process to the public?

Mrs Munnoch: I think these councils will be able to answer both to their municipality and to the Trillium Foundation.

Mr Grimmett: I was more interested in how the average member of the public might be served by such a body. Do you think they might be?

Ms Munnoch: I would think so. I think their voices need to be heard and the council will be a listening body for the public.

The Vice-Chair: Any further questions? Other members?

Mr Stewart: A foolish question, but Punkeydoodles Corners — I have to ask you that question. What is that?

Ms Munnoch: That was a very unusual event. Three counties went together to produce — there is an area in Oxford county called Punkeydoodles Corners. It was a fair day, so to speak, like a fair.

Mr Stewart: I'd just like to say that the opposition keeps harping on the fact that you may be a member or whatever of the Conservative Party, but I cannot understand why they can't look at your credentials. If I look at your credentials and what you've done, I believe you are an excellent appointment to this board. You've been involved with the grant system in your capacity as mayor and deputy mayor. You've been involved with a number of charities and giving dollars to them. So I think you're an excellent choice and I support you 100%.

The Vice-Chair: That concludes the time with you. Thank you, Ms Munnoch.

I leave it up to the committee whether you want to proceed with the vote on concurrence at this point or not.

Mr Gravelle: Do them all at once.

The Vice-Chair: Do them all at once, given that all three are for the same board.

ROBERT SAMPSON

Review of intended appointment, selected by official opposition party: Robert Sampson, intended appointee as member, Ontario Trillium Foundation board of directors.

The Vice-Chair: Let's call forward Mr Robert L. Sampson, intended appointee as member of the Ontario Trillium Foundation board of directors. Mr Sampson, welcome to the committee. We'll give you an opportunity to make any opening comments you may wish to make and then we'll go around in rotation. We'll spend up to half an hour with you.

Mr Robert Sampson: Briefly, I would like to explain why I am interested in serving on the Trillium Foundation. By profession I am a professional teacher. I have been in the education field for 33 years and am now retired. Most of those years were spent in administrative roles, from department head to vice-principal to being a principal of a

secondary school to superintendent in two different boards. My experience has been both in the separate school system as well as in the public school system and my experience has been centred mostly in northern Ontario.

Throughout my career as a teacher, I have devoted many hours in community service. I have served on a variety of boards, mostly dealing with adolescents. I was on the children's mental health centre in Timmins. I was chairman of that organization. I was on the Concordia board of directors in North Bay, which is another children's mental health centre, for several years. I've acted as treasurer for an organization in North Bay that's called Connections and deals with dropout students. I've acted as a member of a hospital board for approximately 12 years at St Joseph's hospital in North Bay, Ontario. When I resigned from that board I was the vice-chairman. I've been a member of the Rotary Club for approximately 15 years, and I've served in a variety of capacities serving the needs of children.

I think this background has provided me with skills in two particular areas: first, in working directly and providing volunteer service to people; and second, I've had the experience of working on several boards. I think I could be effective as a board member on the Trillium Foundation.

In conclusion, I think I'm here for the same reasons I've been on other boards and I've volunteered my services in other organizations, and that motivation is to serve, and to play a role in whatever capacity I can to improve the quality of life for other people.

Mr Gravelle: I will be pursuing probably the same approach, if I may, as I did previously with Mrs Munnoch. The Trillium Foundation is obviously an organization that has funded social service agencies in the past. The proposal is to change its mandate, which obviously is going to be very significant. May I just have your response in terms of the importance of the arm's-length relationship between the foundation and the government.

Mr Sampson: I support that kind of structure. Coming from education, I'm particularly sensitive about it in terms of how we've now established the Ontario College of Teachers and the office for evaluation and quality assessment, and I think setting up service organizations in that fashion is a very healthy practice.

Mr Gravelle: In that regard, it's probably important to ask you just how it came about that you put your name forward to the foundation board. Were you approached?

Mr Sampson: I'm here for two reasons. About a year and a half ago, I submitted my résumé to my constituency office and indicated that I would be willing to serve on any committee where they felt I could play a role. At that time it was accepted and they said, "Well, Bob, if something comes up, we'll inform you." Recently, I was approached about the Trillium Foundation and asked if I would be willing to serve on that, and I said yes, I would be.

Mr Gravelle: My understanding, Mr Sampson, is that you do have a fairly close relationship with the Premier,

that in fact you are a golfing buddy, so to speak, of the Premier and that you travel on golf vacations together. Obviously, that's just fine, but it does bring up the concern that in that regard you've had an opportunity to discuss with him'a variety of things. To address Mr Stewart's concerns mentioned earlier, what we are concerned about is that because the foundation is an extraordinarily important organization and because there are some real changes in the mandate, the arm's-length relationship is important. We don't want the foundation to become in essence a policy arm for the government, so I don't think it's inappropriate for us to ask that. Can you respond to that: your friendship with the Premier and your opportunity to discuss some of these issues with him?

Mr Sampson: I would be pleased to. Yes, I am a friend of the Premier's. I have not had the opportunity to play golf with him for a number of years, but I have crossed paths with him on the golf course.

I have made it a personal practice, and this is something I strongly believe in, that I would never compromise a friendship in any way, shape or form, so I have always made it a practice not to discuss political matters with the Premier. I've been involved in a number of initiatives that would tempt me, for example, to say, "Do you think you could help me with this?" but I would never do that, because in my own set of principles I would separate friendship from politics. If I wanted to deal with anything on a political basis, I would go the natural route and I would try not to be influenced by my relationship with any particular politician.

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Mr Gravelle: Can you appreciate the concern we have in that regard?

Mr Sampson: Obviously. Yes, sure.

Mr Gravelle: Here's an organization that's lost some funding, that now is going to be funding areas from another source. In essence, it's a way of the government not staying as involved. So when we see these appointments it does give us a great deal of concern, and I think for legitimate reasons.

Mr Sampson: Yes, I can understand your concern, but I would like to suggest on the other side of the coin that I don't think, as a citizen in a democratic society, that I should be penalized because I happen to be a friend of the Premier.

Mr Gravelle: I'm not suggesting you should. I'm just suggesting that we want to be very vigilant in terms of an organization like this maintaining a truly arm's-length relationship, and it becomes questionable when you see a number of appointments of people who have a relationship with the party, but, more significantly, with the Premier himself.

Mr Sampson: I appreciate that sensitivity.

Mr Gravelle: One more quick question. There are no appointments, that I've been able to see, from northwestern Ontario. I'm from northwestern Ontario. You're from North Bay. Do you believe there should be an appointment from northwestern Ontario? It's obviously an extremely large part of the geographic area of this pro-

vince. There was an appointee who was not reappointed. This is of great concern to me, so as a northerner, I'd like your thoughts on it.

Mr Sampson: I believe that in structuring the representation on the foundation, one of the criteria that should be acknowledged and supported is to ensure that there is equal geographic representation as much as possible on the Trillium Foundation. I do not have enough knowledge at this point to appreciate what that looks like at the present time, but certainly I would argue in favour of that very much.

Mr Cullen: Just a couple of questions: I see that you were very much involved in the Nipissing Board of Education, I guess during the tenure of one trustee, Michael Harris.

Mr Sampson: No, I was not an employee when Michael Harris was the chairperson of the board. Michael had left the board at that time. I came to Nipissing in 1982 as the superintendent.

Mr Cullen: Right. When you submitted your CV to the constituency office, which constituency office was that?

Mr Sampson: Nipissing, Mike Harris's office.

Mr Cullen: Okay. The concern we have is very much about the politicization of this board that's going to hand out money to charitable groups. These are time-limited grants; these are yearly applications.

Earlier, I touched on the topic of, given the nature of the clientele these people, these organizations are serving, certainly in my community muscular dystrophy lobbies for adequate health care funding, and I could go on with a number of examples, what is your view about advocacy when an organization comes forward? Do you think that's appropriate?

Mr Sampson: I think any organization that is looking for government funding support, or any kind of funding support, is going to make every effort to be successful with that application. I'll give full marks to any organization that's trying to serve people, to do the best they can to generate the revenue they require.

However, I believe the Trillium Foundation has a history of being an organization with a great deal of integrity. It's an organization that establishes very clear guidelines as to who qualifies for a particular grant. I think, as a board member, I'd be obligated to be vigilant in ensuring that the rules of the game are observed and that the disbursement of funds is done in a fair and just manner.

Mr Cullen: Coming back to the issue of politicization, and I know I'm dealing with someone who understands politics. You were the political action officer for district 33. You can't call yourself apolitical.

Mr Sampson: That goes back a long time.

Mr Cullen: That goes back a way, yes. But even so, we have a government which has taken away funding from a lot of these agencies and which has been punishing agencies for daring to advocate that there is a funding shortfall, that clients are being affected.

Do you see the Trillium providing a stopgap? Do you see when there is such competition for scarce funds, does that issue come into play?

Mr Sampson: No, I don't believe so. I think being an arm's-length organization, it has to work with the government of the day, and whatever those conditions are that are established by the government, those are the cards that are dealt and you've got to work within that environment. Whether it's a time of plenty or a time of extreme need, your organization has to function independent of those circumstantial conditions and deal with the disbursement of funds in a most equitable way.

Mr Cullen: We've touched on the fact that you certainly know the Premier through your golfing connection and of course you've submitted your CV to your MPP, who is the Premier, and that you've been active in politics, certainly from the OSSTF. Are you a member of the Progressive Conservative Party?

Mr Sampson: Yes, I am. Mr Cullen: Thank you.

Mr Spina: Welcome, Mr Sampson, to this committee. I look forward to hopefully your successful appointment, because I think that a Basilian-trained student in high school, as I am, has learned some skill sets that I think are applicable to the world in general.

I wanted to ask, the Trillium board is intending to develop some of these community funding bodies across the province so that the local communities and local leaders are making recommendations to the Trillium board. I guess it's partly to perhaps address the concern that the opposition members have about the politicization of the process, of the appointments. By having these community boards and particularly from the north — I'm pleased to see that there's a northerner being appointed — do you think this will improve the accountability of the Trillium board and that it may defray perhaps the concerns that the opposition has?

Mr Sampson: Yes, I do. I was pleased to see that provision in the proposed structure because I do believe that sometimes the best decision-making occurs at the most immediate level of the service. I believe that the people involved in a particular community will have very strong insights into the needs and the priorities that exist within that community. A municipal-based committee I think is armed with a strong knowledge base, more so than perhaps a more distant organization, to make the best decisions.

Mr Spina: Do you think your appointment would enhance, perhaps, opportunities for northern Ontario?

Mr Sampson: Not necessarily. I would hope being a representative on the Trillium board from northern Ontario will contribute to the credibility of the Trillium Foundation in ensuring that there's fair distribution of funds and fair responses to requests that emanate from northern Ontario. But again, I would be governed by the criteria that the Trillium Foundation establishes and if an organization from northern Ontario does not meet that criteria, then my role would be to make sure that they're

informed about the reasons and what criterion that had to be addressed wasn't addressed.

Mr Spina: The only thing I have to add is that I don't think any of us has to be embarrassed by being a member of any party, whether it's NDP, Liberal or Conservative. Thank you for coming forward.

The Vice-Chair: Any other questions from the government caucus? No. Mr Sampson, thank you for appearing before the committee.

Mr Sampson: Thank you very much.

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JAN WESTCOTT

Review of intended appointment, selected by official opposition party and third party: Jan Westcott, intended appointee as member, Ontario Trillium Foundation board of directors.

The Vice-Chair: We proceed to our final intended appointee for today. We'll call Jan Westcott to come forward, intended appointee as member, Ontario Trillium Foundation board of directors. Welcome to the committee. As with the others, we'll give you an opportunity to make any opening comments that you may want to make and then we'll start questions again from the Liberal caucus.

Mr Jan Westcott: Thank you very much. Good morning. I appreciate the opportunity to appear before you this morning. It's quite an honour to be considered for an appointment to the Trillium Foundation and I'm looking forward to making a contribution to the work of that organization.

I believe that I bring to the position a solid mix of business — yes, "business" — volunteer and public policy experience that I think I've gained over many years. Some of you may know me from my work in the Ontario brewing industry or as the former head of the Wine Council of Ontario, others perhaps from my days in the government during the 1970s.

In addition to those roles, I have extensive volunteer experience in several charitable and community organizations, particularly in the environmental field. I had been a director of Earth Day Canada since 1993 and I served on the board committee of that organization that was tasked with creating a new vision and strategic plan for the organization as well as sorting out both its financial situation and developing a more secure funding base in a period when reliance on government was diminishing and that organization, along with many others, had to find other sources.

In 1996 I was elected to the board of directors of the Recycling Council of Ontario where I participated in many activities, not the least of which is the Ontario Waste Minimization Awards. These are important because they play a critical role in recognizing and publicizing the work that businesses, municipalities and environmental and community groups are doing to reduce the amount of waste that's generated.

Shortly after I joined the RCO board I was one of the proponents and originators of the RCO's involvement in

trying to bring all of the diverse interests to the table to try and sort out both the long-term and the short-term issues around solid waste management. I'm quite proud to say that since that time about two years ago, I have served on the RCO roles and responsibilities, both on the steering committee and on the working group, to try and develop waste management options for the province, municipalities and the public to consider and think about.

I've had some experience with a number of local, community-level environmental groups, helping them to try to address specific local issues of concern to their communities. At different times, I have had volunteer experience with the Salvation Army, the Boy Scouts, and as a canvasser for the Kidney Foundation. I think these experiences have acquainted me with the types of challenges that are faced by public bodies such as the Trillium Foundation and equipped me to assist the foundation in achieving the goals it has set out.

Mr Cullen: Thank you, Mr Westcott, for coming before us today. I've looked over your CV. You've heard our questions earlier about the arm's-length relationship with this government in terms of the Trillium Foundation. I don't think you have an arm's-length relationship with this government, do you?

Mr Westcott: Let's be candid. I've been a Conservative all my life. I think I'm pretty well known in that capacity. I have had the opportunity and in fact a lot of enjoyment in working with quite a series of different governments and have formed some pretty good working relationships over the years with different governments.

I think the trick in all of this is to bring a professional approach to these things, to recognize what your base is but also be objective, and I think I can do that. On some of the other boards I get appointed to, sometimes people are reluctant to look at you because in fact you have relationships with the government. Some of the things I do are from time to time critical of the government, this government and other governments. It's part of the process.

Mr Cullen: No one is doubting the skills you bring; it's just the issue of the politicization of the Trillium board. Here you are basically a CEO of the Brewers of Ontario, a spokesperson for the Beer Store retailing and distribution system; you're a lobbyist for that organization with the government. You have deep ties with both the party and the government. The issue comes back to the notion of arm's-length.

Here we have the Trillium Foundation, whose finances are going to be enhanced tremendously by the redirection of some of the gambling money — not all, but some of it — towards Trillium. It's going to be looking at not only social services but recreation, sports, arts, the environment, in terms of applications. These are all time-limited applications; they are to avoid long-term relationships. So there are going to be a ton and a half of organizations coming through every year.

Obviously the government has an attitude, a predisposition, with respect to all this. By definition, you're not arm's-length. How do we deal with that? How do we ensure that indeed the very skills that make you so extremely critical, to use your own words, to this government aren't going to continue to be used so by the government in this position?

Mr Westcott: I don't think so. The way I would answer that is that when I go in to sit as a member of the board of directors, I'm going in as Jan Westcott. I live in Oakville. I have a family. I have a couple of kids. I look at these issues like everybody else. I come from a family of nine children. I'm part of my community. I think I bring a perspective and work very hard to bring that perspective to my dealings. As I said, I try to be as professional as I can be. We are all shaped by our backgrounds and some of the things we believe, and I accept that, but I think I will be able to bring an objective point of view as an individual and look at the criteria that have been established by the foundation.

I've had an opportunity to look at some of the things they have been doing over the past couple of years. It's a pretty impressive group of people. They have a very clear mission and clear vision. I think I'd like to try to make a contribution to that. It won't be perfect, but it will be a voice that reflects my background, where I live, and my values. As I said, it's no different than if people ask me about the alcohol business. The reality is that I have two small kids, and I have exactly the same concerns and issues that everybody else out there has around a number of these issues.

Mr Cullen: Let's just take an example I'm very familiar with, which is the community care access centre in Ottawa, which receives government funding and didn't get sufficient funding. A number of the charities whose clients need home care services are currently lobbying the government for additional funding. They've gone public with this because they're trying to make sure that everyone is aware of the issues. Muscular dystrophy, heart and stroke and the cancer society have all gone out publicly and said: "We have a deficiency here. Minister, please provide us with the funding." They've gone very public. They're trying to use the democratic process.

What happens to you when you get a phone call from the Minister of Health's assistant who wants to talk to you about some of the applications coming forward at Trillium?

Mr Westcott: If we're going to be truly at arm's length, then that would be an inappropriate communication.

Mr Cullen: You would expect that as a member of Trillium, you would not be returning those phone calls?

Mr Westcott: I would expect that other people would respect the independence of the board of directors and, yes, my position, and not put me in a position like that. If put in that position, I would take the view that this would be someone inappropriate to have those discussions with. At the same time, it's conceivable and I do understand that the board members play a pretty significant role in looking at the grant applications and getting to know the people and the organizations, and that's encouraged. So I guess it's a tough call in terms of how information is brought to

the table. But if I was being called to sway my point of view, I think that would be inappropriate.

Mr Cullen: But you're a lobbyist — for a reputable organization, not a problem, but a lobbyist for the Brewers of Ontario. How would you know that that phone call is coming from — someone's called from the minister's office. You don't know that; the message is there. You're going to call them back, and already you're involved in that conversation. You're going to say, "Sorry, we've got to separate these two things." Most political assistants don't separate those things. They like leverage, you know, and you're a lobbyist.

Mr Westcott: I guess that's part of what comes with experience. I appreciate that. There are days occasionally when you have to tell people that what they're asking you and what they're proposing is not appropriate, and I've had to do that a few times in my life. It just comes with the territory. I think I'm capable of making those decisions. Again, no one's perfect. I won't make every right decision, but on balance I think my experience will help me handle those kinds of circumstances.

Mr Cullen: You can appreciate our perspective, though —

Mr Westcott: Absolutely.

Mr Cullen: — with the politicization of the foundation, your deep connections with this government, previous governments, this party, the situation. There's the whole perception that's out there, and that is indeed for us a problem.

Mr Westcott: I understand that. I think it's also fair to point out, though, with the deep relationships that you refer to, that I have many deep relationships on all sides of the House. I have many good friendships and, as I say, long-term relationships with many people in the public service, both elected and on the staff side. I think it's always a question of sorting out your professional responsibilities from your personal relationships and your interests.

Mr Gravelle: Just one question, if I may. It's my understanding that all the members whose terms have expired are not being reappointed, and it does appear there will be all new appointees. What are your feelings on that in terms of any board, especially a board as significant as the Trillium Foundation? As you know, the board members play a very significant role. It's not simply advisory, literally. Do you think it's unusual or strange to have a board that's completely reconstituted in terms of its members, and should there be perhaps some transition involved here?

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Mr Westcott: It certainly helps, there's no question, and I won't deny that. I've had experience coming into the Earth Day board when virtually there was only one continuing member, and it posed some challenges.

The encouraging thing, from what I've understood from the Trillium Foundation, is that in addition to the board of directors, it's the type of organization that seems to engender a lot of continuing interest in volunteering your services to the organization. So even though some of those directors, a couple of whom I've met recently, are no longer on the board of directors, the fact is that when they were talking to me, they see a continuing role for themselves in participating in the organization and helping to make decisions and to bring things forward. In other organizations it may be more of an issue. I think it may be less of an issue here because of that kind of interest in continuing to volunteer. I had a chance to speak to an older gentlemen — I can't remember his name — who was going off the board. He does not see his activities in terms of the Trillium Foundation decreasing. In fact, he thinks they're going to continue pretty much the way they are; he just won't be formally on the board. I think that's pretty good.

The other comment I would make is that the staff is pretty impressive. I think they've done some great work. In the best organizations, it's really always a question of who is leading who. It's kind of chicken and egg. If you've got a great staff that does good work, that's got a pretty clear mission and a good idea where they think they're going —

Mr Gravelle: A reduced staff, of course.

Mr Westcott: I wasn't aware of that.

Mr Gravelle: In terms of the funding cuts, some of the staff have been — there have been some staff cutbacks in terms of the foundation.

May I have one more? I think it's important to state the concerns that we've expressed, and the government members I think are irritated by —

The Vice-Chair: Less than a minute, Mr Gravelle.

Mr Gravelle: Okay. It's not personal. You were very clear in terms of what your response would be if there was inappropriate behaviour by other people. But having said that, if you have a board that is made up of a number of people who perhaps share the same political philosophy, it's not too much of a stretch to imagine that, even if it's not specific, there can be a sense of: "This is the direction we want you to go in. These are the kinds of things we want." Do you appreciate that concern?

I can't tell you that I know the entire makeup, but when you see a board being done like this, I think everybody would agree that members from all political parties have every right to be involved in every agency in the province.

Mr Westcott: I do appreciate the concern. Let me interpret it another way. Let me take that as a challenge and make sure that the concern you have isn't reflected by the way we operate and the way we behave. I think that's an understandable issue.

Ironically, in every political party, the world outside tends to see political parties and partisans as being somewhat homogeneous. You gentlemen know that is absolutely not the case. You put five Liberals, five Tories and five NDP in the room, and they are distinct individuals with different perspectives. In my own party there are different factions, and a number of us are associated with respective points of view. So I would take that as a challenge and say that the concern is appreciated and we'll have to work hard to make sure we don't give you any grounds for concern.

Mr Spina: Mr Westcott, thank you for coming forward and being straightforward in your responses, particularly those that perhaps challenged your integrity. I think the fact that you were a political staffer at one point gives you that unique capability of discerning when an impropriety can surface.

I just want to draw to the attention of the opposition members that in almost three years of government, this government has not had one cabinet resignation, whereas the other two had some significant ones because of what Mr Cullen actually said, where a minister would call somebody and try to micromanage an issue. That's the reason why those ministers had to resign. This government has been completely intact in the integrity of its ministers. I'm pleased to be able to say that.

You have some considerable experience in communications from before. Not a lot, I think, is known by the public about the Trillium Foundation and what happens with all the cash that comes in from OLC and now other sources. Is this a situation that we should be making better known to the charities of Ontario?

Mr Westcott: I think so, and not for the reason that it's nice to be loved, although it is nice to be loved. Set that aside. All organizations and institutions want to be loved. I think the reason the public needs to know and understand it better is that sometimes you deny access to a funding opportunity because people don't know. The trick is to communicate what it is, what it's doing, what it's supposed to be doing, so that the widest number of people feel entitled — and that's the word I would use, "entitled" — to come forward and say: "Here's what we're doing. We think it's worthy of support. Consider our application, consider our request under whatever program." So from that point of view, communications are very important.

In my own life, I think that when you're not successful, it's because you haven't educated people, you haven't given them enough of the facts, they don't know enough. If you can give people information, I'm a strong believer that you really are empowering them to act and that they will act.

I think that's an area that's worthy of a considerable amount of focus. It's all well and good for people to sit in Toronto and assume that everybody all over the province can do that. That may not always be the case. I think it's important to work hard to communicate what it is, what it is supposed to be doing and encourage people to come forward.

Mr Chudleigh: Thank you for coming forward and letting your name stand on this. It's always marvellous to have people like yourself with your kind of background come forward.

In following up on some of your approaches, as being a well-known Conservative, being a representative of the brewing industry, it must have given you great pause in 1985 when you found yourself facing a Liberal government and five years later finding yourself facing an NDP government.

Having come from that trade association business myself, did you really notice much of a difference in dealing with those governments?

Mr Westcott: No, and in fact I've been quite outspoken in reminding everybody that people are people. To be fair, I would say that while I think I've always had pretty good relationships all around, it was really interesting the extent to which you could develop very solid working relationships and quite productive relationships.

Let's make no mistake: In the 1980s, on behalf of the industries I represented, I think our industries, and for the good of the province, made a lot of progress. Similarly, in the 1990s, when I was representing the brewing industry in Ontario, which is a very large, value-added business in Ontario, I made a lot of progress in managing the opening of a market with a different government.

I think you have to be candid and provide as much information as possible. The right decisions aren't always made, but by and large it's what's made the job interesting and at some times exciting. No, we don't always agree on everything. We don't always agree with the existing government on everything.

Mr Chudleigh: Perhaps it comes down to good management and good judgement. I think you have a strong track record in that regard and I look forward to your representation on the Trillium board.

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Mr Grimmett: Just very briefly, Mr Westcott, I notice from the material we have that you have been active in some environmental organizations. It's been commented several times today that the Trillium Foundation is moving into a new role and some expanding revenues in terms of raising money through new initiatives. Do you see an opportunity for some environmental organizations to possibly access some revenue in the new role of the Trillium board?

Mr Westcott: I do. One of the things I have been very outspoken about is the opportunities. Many people in business think environment is a cost. What I've been going around, in the last couple of years, trying to explain to people is that environment isn't a cost, it's a tremendous opportunity for your business. Using the brewing industry's experience as an example, trying to talk about that, I think one of the things I'd like to see and that Trillium seems to be quite interested in doing is crossing different kinds of goals. So it's very important to have community-based environmental groups that are looking at specific issues in their communities.

I think there's an opportunity to link that with economic development that looks at creating jobs, in many cases what I call entry-level jobs in different kinds of things. I think there's an opportunity to link that with some training for kids. I have a 16-year-old and a 13-year-old, and they say, "What am I going to do when I grow up?" It would be nice if there are opportunities for them in Oakville and Burlington and Mississauga out where I live, and not all in larger environmental organizations centralized in Toronto.

I think there are some good opportunities to look for situations where you can accomplish some of those things

together, because they are not mutually exclusive and I believe very strongly in that.

The Vice-Chair: Thank you, Mr Westcott. That concludes the questions for you.

We are then able to go back, committee members, to deal with concurrence for Margaret Munnoch.

Mr Grimmett: I so move.

The Vice-Chair: Any discussion? Mr Stewart: A recorded vote.

The Vice-Chair: We have some discussion first.

Mr Gravelle: Mrs Munnoch is obviously an individual who has had a great deal of experience in municipal government and in her community, and is someone who expressed her strong sense or strong belief that she could take on this position and operate in a very objective fashion. But I think it's important for us to note that regardless of what each of these individuals has told us—in this case, Mrs Munnoch—I think there are some great concerns about the fact that the Ontario Trillium Foundation has been in some ways an extraordinarily non-partisan group and very much a non-political organization and there does seem to be an attempt by the government to put a number of people on the board of the foundation who are sensitive to the position they've taken.

The fact is that this government is, I think probably all will acknowledge, far more aggressive in terms of the approaches they have taken and aggressive in terms of the way they wish to fund the organization. I think ultimately the concerns are that, although members from all political parties certainly have every right to be on it, this politicization of the Trillium Foundation, or what may be, is enough for me to register my concern and indeed not to support Mrs Munnoch's appointment.

I think our caucus feels that way. Again, it's not in any way a personal reference. I hope that the remarks she made and the others made will be the case, but in light of our great concern about this particular foundation and the new funding that will be coming forward, we feel there needs to be some objection expressed to the appointments, the fact that previous board members have not been reappointed. We won't be supporting this recommendation.

Mr Spina: I can't let this go, but they obviously will not either. The fact remains that nothing is absolutely, totally independent in this province as long as you have political parties that govern. That's the very nature of our system. When Liberals were in power, they clearly appointed Liberals or Liberal associates and Liberal friends. The NDP did the same thing.

I reiterate the point I made earlier, and it's what Mr Marchese said, that this is an open process. The NDP made it an open process. None of us, of all parties, should be embarrassed about our affiliation with any particular party or embarrassed by it. I'm pleased that these people are honest and straightforward in admitting either their current or past association. I think that's the fundamental difference between the pork barrel patronage appointments from 10 years ago under David Peterson versus the process that's in place now. I appreciate the comments Mr

Gravelle made about the actual talents and qualifications and skill sets that not only Mrs Munnoch but the other two members also bring to the table.

Mr Cullen: We know that the skills people bring here are good skills. The issue, as we have said time and again, is the politicization, not simply patronage, because we understand how the system works.

I have to say that before I got elected here I was for many years involved at the municipal level in my community. With the election of this government, agencies that had been doing the work — remember this whole issue of governments cutting back and the volunteer sector filling in — a lot of social service agencies, a lot of agencies that we would call charities that have clients who require needs that government wasn't able to deal with — with the series of government cutbacks the message became very clear from this government: "Don't talk about it. Don't try and lobby about it. You are lucky to have your funding today. You say something and you may lose that funding tomorrow." So what's happening now is —

Mr Spina: Those are your words.

Mr Cullen: No, I'm sorry, these come from the agencies themselves out in the street in my community. I'm sitting here listening to this stuff, and these are people I work with who have worked with many governments, who have been there for many years dealing with the previous governments — I won't say all 42 years of the previous governments, but whatever.

The point comes out that here we have appointments, and there are good people to appoint from every party; they don't reside in any one party. It's the whole issue of politicization. When very strong Tories are being appointed by a government that has not shied away from using political intimidation to get its ends, then we have to object. This is supposed to be an arm's-length, standalone operation taking money — of course, we won't talk about where that money comes from; that's another story — and doling it out to these groups that have to come by year after year. Year after year they have to come forward, and if they haven't been good this year: "We have so many other people to look after. Goodbye." It's that kind of blackmail that has been going on for the past two and a half years in my community that I know about.

Interjection.

Mr Cullen: Don't tell me that's bullshit, sir. That is a fact

The Vice-Chair: Mr Cullen, Mr Spina, please, let's watch the tenor of the language used.

Mr Spina: Could I ask the member to withdraw the word "blackmail," please? I think that's unparliamentary.

The Vice-Chair: Yes, I was going to suggest that also, Mr Cullen. That gets slightly beyond the border of what's allowed as parliamentary language.

Mr Cullen: In terms of the parliamentary rules of this committee, certainly, but the fact still remains and the fact continues here with the politicization of the Trillium Foundation. That is unfortunate.

The Vice-Chair: Further discussion? We'll proceed to a vote on concurrence in the appointment of Margaret Munnoch.

Ayes

Chudleigh, Grimmett, Bert Johnson, Spina, Stewart.

Nays

Cullen, Gravelle.

The Vice-Chair: That's carried.

Dealing with Robert L. Sampson, is there a motion?

Mr Grimmett: I so move.

The Vice-Chair: Any discussion?

Mr Gravelle: Just very quickly, I think it's important to make the point that Mr Sampson obviously is an individual of great abilities and background, but in terms of his relationship with the Premier there are some concerns.

It's important to state that the concern is not so much with the individuals as it is with the history of this government. We're more concerned with what behaviour the government itself may show towards the people who are appointed to this board, and the very great need for a rigorous arm's-length relationship for the Trillium Foundation is more important than ever as a result of some of the changes. This compels us to express this concern, not so much because of the individuals themselves, who have expressed themselves very well in terms of their absolute desire and ability to be objective, but because of the government itself, which we fear may try to exert some influence in terms of some of the decisions. So we will not be supporting Mr Sampson's appointment either.

The Vice-Chair: Further discussion?

Mr Cullen: Recorded vote.

Ayes

Chudleigh, Grimmett, Bert Johnson, Spina, Stewart.

Nays

Cullen, Gravelle.

The Vice-Chair: That's carried.

With respect to Mr Jan Westcott, is there a motion?

Mr Grimmett: I move that.

The Vice-Chair: Discussion? We'll proceed to a vote.

Mr Cullen: Recorded, please.

Aves

Chudleigh, Grimmett, Bert Johnson, Spina, Stewart.

Nays

Cullen, Gravelle.

The Vice-Chair: That's carried as well.

Committee members, thank you. That concludes our business for today. I would like to ask the subcommittee members to stay for a couple of minutes, just so we can sort out an item with respect to the next meeting.

Mr Cullen: When is that?

The Vice-Chair: That's the issue we'll have to sort out. With that, I'll have the committee stand adjourned.

The committee adjourned at 1151.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Vice-Chair / Vice-Président
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Mr Alex Cullen (Ottawa West / -Ouest L)
Mr Michael Gravelle (Port Arthur L)
Mr Bill Grimmett (Muskoka-Georgian Bay / Muskoka-Baie-Georgienne PC)
Mr Bert Johnson (Perth PC)
Mr Dan Newman (Scarborough Centre / -Centre PC)
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Mr Joseph Spina (Brampton North / -Nord PC)
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Also taking part / Autres participants et participantes
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Mr Rosario Marchese (Fort York ND)

Clerk / Greffier
Mr Douglas Arnott

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Wednesday 22 April 1998

Journal des débats (Hansard)

Mercredi 22 avril 1998

Standing committee on government agencies

Intended appointment

Comité permanent des organismes gouvernementaux

Nomination prévue



Chair: Vacant

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LEGISLATIVE ASSEMBLY OF ONTARIO

COMITÉ PERMANENT DES

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

ORGANISMES GOUVERNEMENTAUX

Wednesday 22 April 1998

Mercredi 22 avril 1998

The committee met at 1108 in room 228.

INTENDED APPOINTMENT

LINDA THOM

Review of intended appointment, selected by official opposition party: Linda Thom, intended appointee as member, Ontario Trillium Foundation board of directors.

The Vice-Chair (Tony Silipo): Good morning. I call the meeting of the standing committee on government agencies to order, with my apologies for keeping members of the committee waiting and keeping Ms Thom waiting. We're here to review the intended appointment of Linda Thom as a member of the Ontario Trillium Foundation.

Ms Thom, if you would like to come to the table, welcome to the committee. As you probably know, we have up to half an hour to spend with you. We will give you an opportunity to make any opening comments that you may wish to make and then we will have a round of questions from members of the committee.

Mrs Linda Thom: Thank you for inviting me here. I apologize for not being able to make it last week, but I had a once-in-a-lifetime opportunity; I was invited by the astronaut Dave Williams to go to his launch in Florida. It was a really wonderful experience, so thank you very much for indulging me.

I would like to make just a few comments. I'm honoured to be appointed to the Trillium Foundation. I'm looking forward to making a solid contribution to this board. You all have my résumé and I'll take that as read. Basically I'm a concerned citizen, that is, with the well-being of the community, the province, the nation. I followed up my Olympic win with public involvement by speaking to schools, community groups, women's groups and businesses, and I'm happy to be able to speak in both languages, although of course English is my maternal tongue.

I've been very happy to be in the position to be able to encourage women in their hopes and dreams, whether they be business, sports or political involvement, and also by serving on boards and committees. I had the honour to serve on the Ontario Sport Medicine and Safety Advisory Board, also with the Ministry of Citizenship, Culture and Recreation, and most recently the National Forum on Climate Change federally. Over the years, I've been asked

and have been delighted to help many charities in many areas; I won't bore you with the details there.

Serving for the Trillium Foundation is in fact an extension of my public involvement. Thank you.

Mr Alex Cullen (Ottawa West): Thank you and welcome to the committee, Mrs Thom. I'm from Ottawa, and as you know, we're very proud of your accomplishments at the Olympics.

Going through your résumé, I notice that you neglected to mention that you were a candidate in the 1995 election for the Conservative Party in Ottawa South. Can we take it from that that you wouldn't consider yourself an arm's-length Conservative?

Mrs Thom: I'm sorry. I would or I wouldn't?

Mr Cullen: That you would not consider yourself an arm's-length Conservative. You're active in the Conservative Party, you ran as a candidate, you support the Conservative Party's goals and objectives.

Mrs Thom: Yes, I indeed was a candidate. I am a member of the Progressive Conservative Party of Ontario, but I simply feel that that does not in any way bear on my contribution to the foundation.

Mr Cullen: No one's saying that being a member of the Conservative Party is a crime, not at all. I couched my question in the context of whether you consider yourself an arm's-length Conservative, because the Trillium Foundation is to operate at arm's length from the government. One of the concerns we have on our side is with the nature of appointments. We know that appointments have to be made and we understand that there are people of good talent in every party, but we are very concerned about the politicization of the board when only Conservative appointees — people active in the Conservative Party; a former candidate — are being appointed to the Trillium Foundation, without any sense of balance.

Coming back to the notion of arm's length, I take it that you're an active member of the party. Good for you. How do you see that relationship continuing if you are a member of the Trillium board?

Mrs Thom: Although I'm continuing as a member of the party, I'm of course not an elected official. I believe the effort has been made to strike quite a balance on the Trillium Foundation board. I believe what they're looking for in the 25 members are people from various backgrounds who have broad interests and have exhibited their broad interests and/or perhaps have expertise in an area that brings depth to the board. That is the way I believe

the Trillium Foundation will be balanced. I also believe that there are 14 members who have sat on the board who are continuing to sit on the board and will provide good continuation for those of us who are new to the board; in other words, that there will be a continuous flow. It isn't a matter of the board being completely changed or anything like that.

Mr Cullen: We have some differing opinions over that, but I'll just leave that.

According to the foundation, the goal is to contribute funds to voluntary social service organizations which provide assistance to people in Ontario who have been affected by adverse social circumstances or disabling conditions. That means that from time to time you'll be dealing with groups that have been affected by the agenda of this government and groups that, in trying to deal with those members of the public who find themselves disabled or in adverse social circumstances, often also include advocacy as part of their activity. What's your view of that? Is that an attribute that a group can be expected to have, ought not to have, in applying for Trillium funds?

Mrs Thom: I believe some groups exhibit advocacy and some don't. If indeed by the meaning of the word "advocacy" you mean that they are really aggressive in representing that particular group's point of view and less likely to admit arguments from others and so forth, or points from others, as I understand it, my own view is that an awful lot of groups take a different approach. Naturally they are for their group, but they take a more what you might call educational approach to it. But that's a fact of life. Some people are very strong advocates, some are not, and some of them are with very reputable organizations. I don't see that, advocacy or non-advocacy, as being a difficulty in applying for funds as long as they meet the criteria.

Mr Cullen: I'm pleased to hear that, because certainly the message that has been sent out by this government to a number of social agencies, particularly those who deal with the poor, is that advocacy is not considered a positive item. This is particularly in light of the 21.6% cut in welfare rates, which all the authorities — the regional government, the social planning council, the churches, other social agencies in Ottawa-Carleton which I am familiar with — have acknowledged has created great stress within that community, within that large portion of Ottawa-Carleton. I think one person out of five is on social assistance in Ottawa-Carleton.

The issue of advocacy is very important as these groups come forward in applying. It says here, "affected by adverse social circumstances or disabling conditions." We have groups that are trying to deal with ensuring that there's adequate funding coming from special assistance supplementary aid. If those things are cut, as we expect them to be capped by this government, they are going to be coming to the Trillium Foundation to make up the difference because their clients will have been disabled.

I'm hearing from you, and please correct me if I'm wrong, that the fact that they are advocating to the gov-

ernment and to the public that there ought to be other policies followed will not be held against them.

Mrs Thom: I'll just have to follow the guidelines of the foundation. I'm not trying to paraphrase the Premier, but perhaps what he and what others have often felt is that sometimes extreme advocacy actually works against a group instead of for it.

Mr Cullen: Then it becomes a judgement of "extreme." This is why I'm coming back to the notion of arm's length. When people are being appointed to the board who do not have an arm's-length relationship with the government and there is a disagreement between, say, the groups that deal with the clients on the street, such as Centre 454, for example, that deals with the homeless, or any of the groups that deal with — Mothercraft. I can talk to you about the \$37 pregnancy money that the government has just cut for welfare recipients. When they advocate and say, "This is a wrong thing to do. We have this clientele. We're trying to make up the difference through an application," you're saying, "There may be a line you have crossed," even though they are trying to represent their community. Is that what you —

Mrs Thom: Is that a statement or a question?

Mr Cullen: That was a question.

The Vice-Chair: You're able to comment on that if you wish, Mrs Thom.

Mrs Thom: I think I've commented, Mr Cullen. There may have been a subtlety in your statement that I missed, but I thought it was a reiteration of what you asked before.

Mr Cullen: I haven't heard from you that the issue of advocacy is not going to be a factor. I've heard from you that it may be a factor.

Mrs Thom: I would imagine that whatever groups bring their bids — proposals, bids, what have you — to the foundation, they would meet the criteria. I believe that is the aim of the foundation.

Mr Cullen: So if they meet the criteria, advocacy is not an issue for you, is it?

Mrs Thom: I haven't seen that advocacy was specifically excluded in the foundation's guidelines, but perhaps it is.

Mr Cullen: It's not. That's why I'm coming back to it. The issue is, if it's not part of the criteria, therefore should it be an element in your judgement?

Our concern is that this government doesn't like advocacy, particularly since its policies have created new advocates. The churches in our community are saying that the government has gone too far. They are coming forward and trying to meet the needs of their community because of government policies. So is it going to be a factor or is it not?

Mrs Thom: I'll follow the guidelines for the foundation, Mr Cullen.

Mr Cullen: I think I've gone as far as I can on that one.

The Vice-Chair: That also is the end of your time. 1120

Mr Gilles Bisson (Cochrane South): I'd like to welcome you to our committee. It's always good to see that

there is never a shortage of people who want to serve this great province, and it's certainly good to see you here. I take it that's what you're trying to do. But I have some concerns and I have some questions, and I think they need to be answered before we give you the approval or non-approval of being appointed.

I want to read to you what the goals of the foundation are. It's very short. It says, "According to the foundation, its goal is to contribute funds to voluntary social service organizations which provide assistance to people in Ontario" — and listen to this part — "who have been affected by adverse social circumstances." Do you believe there are more people who can be categorized as being adversely affected by social circumstances in Ontario today than there were three years ago?

Mrs Thom: I don't want to appear glib, Mr Bisson —

Mr Bisson: I'm sure you don't.

Mrs Thom: Not at all, but on a per capita basis, on a proportion basis of the population?

Mr Bisson: Are there more people —

Mrs Thom: Because of course the population of Ontario is increasing.

Mr Bisson: Let me put it really simply.

Mrs Thom: People are coming to the province for jobs, so there is a larger population. There may be more people seeking social services because of the larger population, but if you mean proportionally, I would imagine it will vary. I imagine there will be, proportionally, a big increase from year to year sometimes because of the economy or particular circumstances. Perhaps somebody has shut down a plant or a firm in an area of the province, which could really affect — you come from such an area. You've seen a lot of towns close down in northern Ontario. So that can affect an awful lot of people from there.

Mr Bisson: That's for another time, but let me ask you this: There have been a number of cuts in the health care system. Do you think it's more difficult today for people to access health care services than it was three years ago? Is it harder to get services?

Mrs Thom: Is it harder to access health services? No, I don't think it is.

Mr Bisson: How would you explain the increased waiting lists for issues like heart bypass surgery, where people are dying because they can't get in? Would you say that something this government did might have affected that? Just a yes or no; that's all I'm looking for.

Mrs Thom: But it's much more complicated than a simple yes or no.

Mr Bisson: Mike Harris says it's real simple. Like Mike Harris, I like to keep things simple.

Mrs Thom: I'm quite acquainted with the hospitals in my community. There are quite a lot of hospitals in my community, so I've been very concerned and I have watched very carefully. What we're going through is a transition. In a transition, there are things that occur that appear to worsen and there are things that appear to get better as you go through the transition. We're in a great period of transition right now, and what I see a move to is an increase actually in health services, not the other way

around. A lot of people, because they see the hospitals themselves changing or shrinking, think that therefore there's a shrinking in health care, but there really isn't.

Mr Bisson: If you look in the Ottawa area as an example, is it more difficult today for people to access services such as health care services or social services than it was three years ago? In other words, is there a greater demand put on the volunteer communities of your community to pick up the slack where government has withdrawn? Let me try it from there. Are volunteer organizations having to play a much more important role today as compared to three years ago vis-à-vis all the cuts that we've seen?

Mrs Thom: Well, three years ago there was an attack on volunteer organizations by your party. They wanted to eliminate volunteers. Some volunteer organizations had really quite a tough time and they got discouraged and they lost volunteers. So maybe we see a coming back of volunteers to the community to serve again, because volunteers are an absolutely critical part of our community.

Mr Bisson: Let me ask you again, and it's a very simple question: Is there a greater reliance put on our volunteer organizations today, in your community as in mine, than there was three years ago because of the cuts this government has made? In other words, are they having to pick up the pieces in some cases, such as the cuts to welfare, the cuts in health care, the cuts to social services in our communities? Are they having to pick up more and more of the pieces?

Mrs Thom: I don't think so.

Mr Bisson: I have a great problem, because I don't know what province you're living in, quite frankly. Certainly, I think it could be said that volunteer organizations in our communities are playing a much stronger role today than they were three years ago because of the cuts that were going on.

Anyway, let's move away from that and let's go to the second part. Do you support the policies of the Harris government and the general direction that it's taking?

Mrs Thom: Yes, I do.

Mr Bisson: You do. If you support that particular direction and you, along with a whole bunch of Tory appointees, are put on the board — because we know that you're a former candidate, which I think is great. People should aspire to run for office, nothing wrong with that, or people wanting to even serve on boards who may have political tendencies one way or another. The problem I have is, I look at this board and it's going to be all Tories, and people like you come to this committee and say, "I support the direction of this government and its policies."

The Trillium Foundation has said, "The foundation will operate at arm's length from the government." I ask you, how much of an arm's length can you get when there are nothing but a bunch of Tories on the board? How will you stop from — anyway, answer the first question. Do you believe there will be an arm's length with nothing but a bunch of Tory appointees on this board?

Mrs Thom: "Do you believe?" Yes, I certainly do, absolutely. I've seen —

Mr Bisson: You do. Hang on a second. You just said —

Mrs Thom: Mr Bisson — Mr Bisson: All right, go ahead.

The Vice-Chair: Mr Bisson, just let Mrs Thom answer the question.

Mrs Thom: Thank you, Mr Chairman.

What you're saying is you don't believe that people who are Conservatives or who in their own private opinion support the government of the day can hold arm's length away from the government, and I couldn't disagree with you more —

Mr Bisson: What I'm saying is —

Mrs Thom: — because there have been many, many people from all political parties, and political parties that are not represented in the Legislature, who've been represented on boards of this government and other governments who have certainly managed to hold themselves arm's length.

Mr Bisson: Here's what I'm suggesting to you —

Mrs Thom: That is why the board of course has been appointed to be at arm's-length from the government, so that it avoids direct political interference.

Mr Bisson: Here is what I'm saying: There's nothing wrong with a person who supports one party or another being appointed to the board. That's not the issue. The issue is that boards are supposed to have a balance. There is supposed to be a balance of people from different parts of our community who represent different points of view who sit on the board and make decisions, in this case about who is going to get a grant from the Trillium Foundation. I look at what the Mike Harris government is doing. It is basically appointing a bunch of Tories. You come to this committee and you say to me, "I support holus-bolus the direction the Harris government is taking."

Mrs Thom: No, no. I'm sorry. Mr Bisson: Let me finish.

Mrs Thom: You're putting words in my mouth, Mr Bisson.

Mr Bisson: Okay. Do you support the direction —

Mrs Thom: Your original question, and I'm sure the gentleman from Hansard can read it back, was "in principle and in large," and not holus-bolus. Okay?

Mr Bisson: All right. Do you support in principle and in large —

Mrs Thom: Of course, in any government individuals will —

Mr Bisson: Do you support in principle or in large the direction of the government?

The Vice-Chair: Mr Bisson, sorry, excuse me. I think some latitude is always useful in terms of having a flow back and forth, but we do have to make sure that if you put a question, you give Mrs Thom an opportunity to answer, and vice versa. So let's just try and do it that way, okay?

Mrs Thom: Okay. I think what it boils down to, Mr Chairman, is that Mr Bisson doesn't think I can be at arm's length, and I know I can because I've served on other boards.

Mr Bisson: No, all I'm saying -

Mrs Thom: I'm much more concerned that the members of the board really do represent, as you've said, various segments of the communities of this province in and outside of greater Toronto and that they come with a varied background of services and business and NGOs and so forth so that through our intricate weaving of our backgrounds we can really bring to bear a wealth of experience to the board in being able to fairly judge all applications that meet the criteria of the board.

Mr Bisson: I have no problem with you individually being on the board. I'm sure you're quite competent. That's not the issue. What I'm saying is that the board has to have a balance of various people from our communities so that when people go before the board in order to ask for grant money to start up or support an organization that is having to pick up a lot of the slack in the void that the government has left by its cuts, I want an assurance that this board is not just going to carry out government policy as far as the decisions it makes.

If you're individually on that board, along with other people who represent various points of view and different political parties, I think they'll get a fair hearing. My problem is I look at the appointees of the government and they're all Tories. That's my problem, not you individually. I'm sure you're quite competent. That's not the issue. 1130

My first question to you was, do you support the general direction this government is taking by way of its policies? You answered yes; am I correct?

Mrs Thom: The general direction.

Mr Bisson: Do you support its policies in regard to welfare, the various changes in social services?

Mrs Thom: Including the Trillium Foundation, which has been expanded now, we are getting more money — I shouldn't say "we," because I haven't been confirmed.

Mr Bisson: That's not the question.

Mrs Thom: You're continuing to pursue a rather narrow direction, if I may be permitted to say so —

Mr Bisson: I think this board's going to be narrow; that's the problem.

Mrs Thom: — and are ignoring the breadth of the experience being brought to the board, and also the expansion of the board, the moneys that are being given out by the board, the different areas in which groups can come and ask for grants from the board, and also the institution of community groups of the board, which will be composed of leaders from the communities themselves. I think that will further enrich the balance in the backgrounds of people in judging the applications for grants.

The Vice-Chair: That concludes the time. We go to the government caucus.

Mr Jack Carroll (Chatham-Kent): Good morning, Ms Thom. Congratulations for past efforts you've made at volunteering in your community to help people and for stepping forward to offer to serve on the board of the Trillium Foundation.

I feel obligated to respond to a couple of things that have been said that are not exactly as they should have been said. Mr Bisson talked about all the cuts our government has made and asked you about more people requiring social services and so on. In actual fact, almost 300,000 fewer people in our province are dependent upon welfare than were when we took office and inherited the sad state that the NDP left us with. That's 300,000 fewer people dependent upon social services. Certainly, that is because of the economy of the province and several things our government has done.

He also talked about cuts to health care. In actual fact, we're spending \$1 billion more per year on health care than we were when his government was in power. So

that's not exactly a cut.

One cut that is a reality is the cut that the federal Liberal government has imposed upon this province and all provinces in the transfer payments for community and social health services. If there has been a cut in this area, we can blame our fellow Liberals, Mr Cullen's colleagues in Ottawa, and put the blame where it rightfully belongs.

Mr Cullen: How far back can we go? Can I talk about Mulroney?

Mr Carroll: I do want to make some reference to the comments about the Tory flunkies and about your inability, as they see it, to be an objective participant in the Trillium Foundation because you're associated with the Tory party and because you support the Mike Harris government. We've appointed a lot of people to agencies, boards and commissions in the last two and a half or three years — some Tories, some NDP and, Mr Cullen, even some Liberals. The fact of the matter is that in that period of time, 1,833 people appointed by the Liberals and by the NDP have been reappointed by us to agencies, boards and commissions. I believe that speaks to the issue that we are looking for good, qualified people; we're not necessarily interested in the partisanship of people.

The whole idea of a legislative review of this process was one we give the NDP credit for. They instituted that. They didn't always follow it, mind you, but they did institute it. It is interesting that back in 1986, when the Breaugh commission recommended legislative review of appointments to agencies, boards and commissions to Mr Peterson and the Liberal government, they chose to ignore that recommendation. It's sad that it took the NDP coming to power to enact a policy that was recommended to the Liberals many years before that.

The Vice-Chair: Mr Carroll, this praise of the NDP is very nice to hear, but there is a question coming, I'm sure.

Mr Carroll: Yes, there is eventually a question. Actually, Mr Grimmett may ask a question.

I did want to talk about the fact that I understand from the last couple of weeks that the Liberals prefaced every appointment, the three they reviewed, by saying, "We agree that you're a qualified person; however, on the basis that you are a Tory," they voted against them. I think

that's pretty flimsy.

I just want to say that we've appointed three new people, who were reviewed, to the Trillium Foundation, and some others who weren't reviewed: George Burton, Charles Cheechoo, Vincent Ching, Paul McCabe, Frank

Paznar, Robert Power and Donna Vendramin. I believe Mrs Thom is also a very qualified candidate and would be a fine representative on the board of the Trillium Foundation.

Mrs Thom: Thank you very much.

The Vice-Chair: Mrs Thom, do you want to comment at all on that? That wasn't really a question, Mr Carroll. As a committee, I want to try to give lots of latitude, but we ought to leave the time for questions to be used generally for questions. Of course, people can debate when we get to dealing with the motion to appoint the individual or not. Are there any other questions?

Mr Bill Grimmett (Muskoka-Georgian Bay): I have a question. Welcome this morning, Mrs Thom. I note from the information you provided that you have quite a rich background in recreation. I notice that under the newly constituted foundation there's now an opportunity for the grants to be made in recreation, sports, arts and the environment. Do you have any comment, having come from the sporting and recreation world, as to how that might benefit the recreation and sports community you have been a part of in the past?

Mrs Thom: Thank you very much, Mr Grimmett. I was very happy to see that enlargement of the foundation's aegis, because sports and recreational organizations will be able to apply for many different things, I'm sure. One that springs to mind, for example, is to enable disabled people to attend clubs they couldn't before because there weren't proper ramps or proper access for them. That's just one small example. They will be able to encourage and I hope institute things such as Web sites, access by computer for women and children, and anybody else in the population of course, and encourage their participation and actually probably become seen where they weren't seen before. I think this serves to encourage and enrich our communities.

Mr Grimmett: So you see this as an opportunity for the disabled community to access sporting ventures?

Mrs Thom: Yes, I do, and also women, sporting ven-

The Vice-Chair: Other questions? That concludes the time.

Interjection.

The Vice-Chair: No, we can't flip the time around. Thank you very much, Mrs Thom, for appearing before the committee.

Mrs Thom: Thank you very much, Mr Silipo.

The Vice-Chair: We'll proceed now to dealing with the appointment. Is there a motion?

Mr Grimmett: I move concurrence.

The Vice-Chair: Mr Grimmett has moved concurrence. Discussion?

Mr Cullen: We've had lots of people come before this committee, and a large number of them actually have gone through this committee with all-party support. But as Mr Carroll has pointed out in his prepared remarks, there is a concerted effort on this side of the table in dealing with appointments to the Trillium Foundation, and that is because the Trillium Foundation deals with those affected by

adverse social circumstances or disabling conditions and is supposed to act at arm's length from the government. 1140

If we had a variety of appointments that showed there would be balance on the Trillium — when you talk about balance, there is left, right and centre in all this — then certainly we would be prepared to ensure that and we would recognize that. But the appointments we have been dealing with in this committee for the Trillium Foundation involve not only former candidates, but lobbyists with this government, golfing buddies of the Premier, people who have family relatives working for Tory ministers, and quite frankly we are concerned how the Trillium Foundation is being stacked. It has \$13 million for 1997-98. It is getting additional funds from the travelling casinos, and therefore it's finding its mandate being expanded to include recreation, sports, arts and the environment.

One has to wonder, with a board like this, how much of the original \$13 million will stay dealing with those organizations that provide assistance to people who have been affected by adverse social circumstances or disabling conditions, particularly when I do not know of an organization that deals with clients who have been affected by adverse social circumstances or disabling conditions who aren't in turn advocates. Multiple sclerosis has been out there; I know that. They've been advocating; also, the churches in my community. I could make a long list.

We are concerned when it's clear that the members who are being appointed to the foundation have such close ties to the government that they cannot be deemed to operate at arm's length. It is one thing to have been a candidate, and I understand all that. If we're talking about balance, maybe having a candidate every now and again would provide balance to the board. But we're not seeing balance here.

That is why we are opposing these kinds of appointments to something that is supposed to deal with contributing funds to the voluntary social services sector, providing assistance to people who basically fall between the cracks. By definition, who is creating the cracks? The other side may very well say there is a limit to what government can do, so therefore there are going to be cracks and this is one way of stuffing those cracks. It can't work if you stuff the board with so many partisan adherents to the government agenda.

On that basis, and leaving aside the individual qualifications — because there are good people who are being presented here, if they were part of a package that showed balance, criteria that showed that when the board dealt with these agencies that are coming forward, we could expect to see and hear fair play. But even on the simple question of organizations that dare to advocate for those who have been affected by adverse social circumstances or disabling conditions, I can't get a straight answer. We haven't got a straight answer.

Yet every organization that I know out there, especially in my community, has to advocate because of the effects of government policies on their clients. It's straight up. If the government intends to present candidates who will gain support from the opposition side, then it has to provide a balanced slate, and it has not done so.

Mr Bisson: For the record, I just want to say a couple of things directly to the committee in the presence of Mrs Thom because I think it needs to be said. My argument is not that Mrs Thom is not individually as qualified as anybody else to sit on the committee; I'm sure she is. I look at her résumé. She has served her province and her country in a number of very admirable ways. I don't take issue at all with the qualifications of Mrs Thom.

What I have a problem with, and I want to lay this out, is when a government — I don't care what the political stripe is — in this particular case the Conservative government of Ontario, is now, in the later part of its mandate, starting to stack committees. We see at the Trillium Foundation the recent appointments that are being made. I look at this list. There are about 10 or 11. I don't think I can take issue with any one individual because I am sure they are all trying to do the best they can. But the one thing these appointees all have in common is they are all Tory members. The problem with that is, once you get them on a board, they then think alike because they share the same political persuasion, the same political ideas, and then start to make decisions strictly according to what is the political view of the Tory party, and I think that's wrong.

I look, for example, at the Social Assistance Review Board as one. I am appalled at what this government has done in the appointments of the people they've put on the Social Assistance Review Board. It's there to review cases where people have been denied access to social benefits through MCSS, and is the only appeal they've got to have the decision reversed. If you have a board that is strictly a bunch of Tories, I can tell you the chances these people will have to get a hearing that will give them what they justly deserve.

I have no problem with the government coming and saying, "Mrs Thom, as a Conservative, should sit on this board," if in doing that you were making sure that the board was bringing other people as well who were equally qualified but who shared different political persuasions, so that when the Trillium Foundation looks at an application it says: "Let's look at this particular project that's being brought forward to our committee. Should we be giving it money?"

I'm sure Mrs Thom would argue what she believes is right, and what you believe is right in your heart and soul is what you believe in. I can't fault you for that. Another person may bring a different point of view and say, "No, there's a social reason we should be funding this particular organization," whatever the reason might be.

At the end, a good debate happens. People exchange ideas at the board level. The application is looked at from different points of view and a decision is made. Some you will win, some you will lose, based on what you believe in. But if you're all a bunch of Tories and you all have the same point of view, what do you think is going to happen? Only organizations that share the same type of idea in

terms of the direction this government is going in will have the best chances of being funded. That is not right.

While I don't take issue for one second with the qualifications of Mrs Thom, I take exception to what this government is doing in the later part of its mandate: stacking committees. The ship is sinking. They're sending all their Tories on to the committee and they're saying, "We're going to have the opportunity to ram as much as we can through in the last year or two of our mandate."

I say to the Tory members across the way, put yourself on the other side of this room. Imagine it was a Liberal or an NDP government in place. Let's say it was the NDP and we were making appointments to the Northern Ontario Development Corp, which lends money to businesses and communities across northern Ontario, and the NDP, for whatever reason, decided it was only going to appoint New Democrats with the same point of view to that board. What would you say? You would say it's wrong, and I would agree with you.

But that's something we didn't do when we were in government, for the very reason I argue today. In terms of the people who come to the boards, there were New Democrats appointed when we were government, as there were Tories and Liberals. If you look at the NODC or other economic development boards, there was a good mix of people from different political persuasions who made those boards strong.

I look at people who were appointed like Jean Paul Aubé, who certainly is not a New Democrat, who was the chair of the board. He was an identified Liberal. He brought a valued contribution to the board. But his experience, balanced with the experience of other people who were on that board from different political persuasions, made it a stronger board. I argue that this can't be a strong board when only Tories are being appointed.

You have a responsibility to the people of your riding, who elected you, and you have a responsibility to the people of Ontario in general as government committees. In our system, this is a parliamentary dictatorship; they can damn well do what they want. My speech or Mr Cullen's speech don't matter. You hold the majority in this House, and you have a responsibility with that majority to ensure that we try to do things in a fair way.

How is it going to be fair for people if the only people appointed to boards are Tories? You're going to have likeminded people making decisions from one point of view. That's what it's going to get you. That point of view at times might be right, but it's not always right. That's why you need to balance it off.

That's what I feel. I don't take exception for one second with her individual qualifications. I do take exception to a government that says: "In the later part of our mandate we're sticking a bunch of Tories on the boards. We're going to make darn sure that we leave our impression in this place and we're just going to do things the way we think is right." That's not what governing is about, and I think you're letting the people of Ontario down by doing it.

Mr Bert Johnson (Perth): I had some comments I wanted to make because I wanted to say some things about this appointee. She brings a wide and varied experience from her background to this board. I'm old enough that I remember Kate Aitken being on television and giving culinary instruction and recipes and things like that. I may go back a little bit further than some.

We're heard the problem with advocacy and those advocates. Indeed, my view is that even Mr Cullen — he

may not want to admit it - is an advocate.

Mr Cullen: Of course I am, and damned proud of it.

Mr Bert Johnson: Certainly he's an advocate here this morning on the part of the Liberal Party of Ontario. I don't think we have to think that Linda Thom will make decisions only because of the viewpoint of the advocates in front of her. I expect that her background and experience will lead to making those decisions on the criteria that are laid down.

I did want to point out too that we've heard terms such as "stacked" and "bunch," and I don't think that leaves anything to the part of debate. I wouldn't want Member Cullen to confuse arm's length with politics. No one, in his view, can be arm's length unless he shares his political views or lack thereof.

I'd like to finish up with this. Mayor McCallion from Mississauga once made the comment, when asked why she wanted to make all the appointees to the police services board of Mississauga rather than share those appointees with the province, that "I would rather have my friends on that board than their friends." I wouldn't mind just leaving that thought here.

I find that Linda was forthright. She gave her answers honestly, and I have absolutely no qualms in supporting her appointment this morning.

Mr Bisson: I was hoping that the Tories would at least start to understand that it might not be a good idea to only have like-minded people on a board. The comment Mr Johnson made is interesting. He said that if you only appoint Tories to a board they won't make like-minded decisions. Well, what do you think happens in your caucus? You're a bunch of Tories, you go to a caucus meeting, you have discussions, and according to your Tory ideology you make decisions. That's what's bringing people together in a political party is all about. It troubles me when a member of a caucus doesn't understand that basic principle. Why do you think we join parties? When you come to my caucus meeting, I guarantee we don't have the same points of view as you. We have points of view that are part of what we are as New Democrats, and I expect it's the same for yours.

This is amazing. He said, "Let's not confuse arm's length with politics." That's the whole point. We're saying we have to have the Trillium Foundation at arm's length from the political process. When a government member who is charged with the appointments of these boards doesn't understand what that means, it tells me we've got a serious problem.

The Trillium Foundation in its own mandate says that one of the goals is that they must operate at arm's length from government. That's in their own literature. That means they make decisions independent of what the government's ideology is.

When you come in saying, "Let's not confuse arm's length with politics" — it has everything to do with this. It's because we want to ensure that our boards work independently of the political process and that they are not influenced by the political process and that they do things for the benefit of the people. You making that comment, Mr Johnson, makes me think we have a bigger problem than we thought.

Then, to close it all off, the fine words from Mr Johnson are, "I'd rather have my friends on the board than theirs," making the comparison to the comments of Hazel McCallion. It definitely tells me we have a problem.

I say again, and I'll just end on this point, that what makes a strong board is diversity of political views, diversity of political ideology, diversity of how we look at issues depending on where we're from: rich and poor, socially advantaged or not. That's what makes for a strong board. If you only put Tories — as if you only put New Democrats — on a board, it would not be a good thing. If

you think it is, we are definitely in trouble. Judging by your comments, you seem to think this is perfectly okay, so I think we are in trouble.

The Vice-Chair: Can we proceed to a vote?

Mr Cullen: Recorded vote, please.

The Vice-Chair: A recorded vote has been requested.

Ayes

Carroll, Grimmett, Bert Johnson, Newman, Bob Wood.

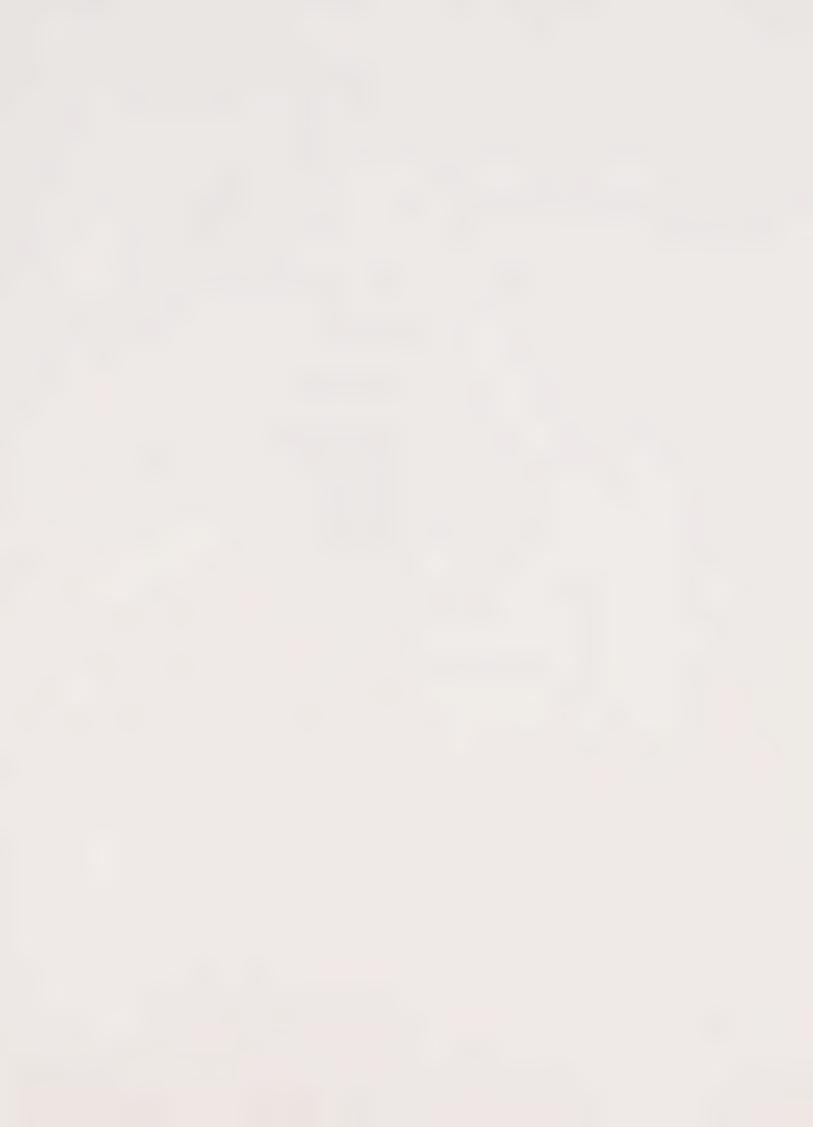
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Cullen.

The Vice-Chair: That carries.

That concludes the committee's business for today. Just for the information of committee members, our next meeting will be determined when we are reconstituted as a committee by the Legislature, with the new session beginning tomorrow.

The committee adjourned at 1155.



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Vice-Chair / Vice-Président Mr Tony Silipo (Dovercourt ND)

Mr Alex Cullen (Ottawa West / -Ouest L)
Mr Michael Gravelle (Port Arthur L)
Mr Bill Grimmett (Muskoka-Georgian Bay / Muskoka-Baie-Georgienne PC)
Mr Bert Johnson (Perth PC)
Mr Dan Newman (Scarborough Centre / -Centre PC)
Mr Tony Silipo (Dovercourt ND)
Mr Joseph Spina (Brampton North / -Nord PC)
Mr R. Gary Stewart (Peterborough PC)

Substitutions / Membres remplaçants Mr Jack Carroll (Chatham-Kent PC)

Mr Bob Wood (London South / -Sud PC)

Also taking part / Autres participants et participantes Mr Gilles Bisson (Cochrane South ND)

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